

ADMINISTRATIVE REGISTER OF KENTUCKY



LEGISLATIVE RESEARCH COMMISSION FRANKFORT, KENTUCKY

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MEETING NOTICE: The next meeting of the Administrative Regulation Review Subcommittee is tentatively scheduled on August 6 and 7, 1992. See tentative agenda on pages 359-361 in this Administrative Register.

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KENTUCKY ADMINISTRATIVE REGULATIONS are codified according to the following system and are to be cited by Title, Chapter and Regulation number, as follows:

Title		Chapter	Regulation
806	KAR	50:	155
Cabinet, Department, Board or Agency		Office, Division, or Major Function	Specific Regulation

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**ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
TENTATIVE AGENDA - August 6, 1992 at 2 p.m.
Room 125, State Capitol Annex**

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

Kentucky Loan Program

11 KAR 3:100. Administrative wage garnishment. (Amended After Hearing)

PERSONNEL

Personnel Board

101 KAR 1:365. Appeal and hearing procedures.
101 KAR 1:375. Employee grievances and complaints.

GENERAL GOVERNMENT CABINET

Board of Examiners and Registration of Landscape Architects

201 KAR 10:050 & E. Fees. (Deferred from July)
201 KAR 10:060. Renewals. (Deferred from June)

Board of Registration for Professional Engineers and Land Surveyors

201 KAR 18:040 & E. Fees. (Deferred from June)
201 KAR 18:075. Examination credit for qualified experience. (Deferred from June)

Board of Physical Therapy

201 KAR 22:135. Fees.

**NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection**

Water Quality

401 KAR 5:010. Certification of wastewater system operators. (Amended After Hearing)

Public Water Supply

401 KAR 8:030. Water treatment plants; water distribution systems; certification of operators. (Amended After Hearing)

Division of Waste Management

Identification and Listing of Hazardous Waste

401 KAR 31:010. General provisions for hazardous wastes.
401 KAR 31:040. Lists of hazardous wastes.
401 KAR 31:060. Rule-making petitions for hazardous waste.
401 KAR 31:170. Appendix on hazardous waste constituents.

Standards for Owners and Operators of Hazardous Waste Storage, Treatment and Disposal Facilities

401 KAR 34:020. General facility standards.
401 KAR 34:050. Manifest system, recordkeeping and reporting.
401 KAR 34:060. Groundwater protection.
401 KAR 34:070. Closure and postclosure.
401 KAR 34:190. Tanks.

Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities

401 KAR 35:020. General facilities standards (IS).
401 KAR 35:050. Manifest system, recordkeeping and reporting (IS).
401 KAR 35:070. Closure and postclosure (IS).
401 KAR 35:190. Tanks (IS).

Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities

401 KAR 36:030. Recyclable materials used in a manner constituting disposal.

Waste Management - Land Disposal Restrictions

401 KAR 37:010. General provisions for land disposal restrictions.
401 KAR 37:030. Prohibitions on land disposal.
401 KAR 37:040. Treatment standards.
401 KAR 37:050. Prohibitions on storage.

Hazardous Waste Permitting Process

401 KAR 38:010. General provisions for permitting.
401 KAR 38:020. Interim status provisions.
401 KAR 38:040. Changes to permits; expiration of permits.
401 KAR 38:050. Public information procedures.
401 KAR 38:060. Special types of permits.
401 KAR 38:070. Application procedures.

Solid Waste Planning

401 KAR 49:009E. Solid waste grant program.
401 KAR 49:011. General provisions relating to area solid waste management plans. (Repeals 401 KAR 49:010, 401 KAR 49:060 and 401 KAR 49:070.)
401 KAR 49:040. Solid waste planning assistance program.

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JUSTICE CABINET

Kentucky Community Corrections Grant Program

- 500 KAR 10:001. Definitions.
- 500 KAR 10:010. Authority, purpose, name of grant program.
- 500 KAR 10:020. Administration.
- 500 KAR 10:030. Community corrections board.
- 500 KAR 10:040. Annual review for compliance.

CORRECTIONS

Office of the Secretary

- 501 KAR 6:020. Corrections policies and procedures.
- 501 KAR 6:030. Kentucky State Reformatory.
- 501 KAR 6:060. Northpoint Training Center.
- 501 KAR 6:110. Roederer Correctional Complex.
- 501 KAR 6:130. Western Kentucky Correctional Complex.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE TENTATIVE AGENDA - August 7, 1992 at 10 a.m. Room 125, State Capitol Annex

COMMERCE CABINET Department of Agriculture

Amusement Rides

- 302 KAR 16:080 & E. Designated bungee ("bunny") or similar apparatus. (Not Amended After Hearing)

TRANSPORTATION CABINET

Division of Motor Carriers

- 600 KAR 1:070. Motor pool procedure.

Property Acquisition and Uniform Relocation

- 600 KAR 3:010. Relocation assistance payments of the Transportation Cabinet.

Department of Vehicle Regulation

Division of Motor Carriers

- 601 KAR 1:005. Safety regulations.
- 601 KAR 1:015. Special overweight or overdimensional permits issued at highway district offices and the Transportation Cabinet in Frankfort.
- 601 KAR 1:016. Special annual overweight of overdimensional permits issued for the transportation of specialized equipment.

Department of Highways

Traffic

- 603 KAR 5:070. Motor vehicle dimension limits.
- 603 KAR 5:075. Overweight and overdimensional permits.
- 603 KAR 5:105. Annual permits for moving wood trusses.
- 603 KAR 5:112. Annual permits for moving utility equipment, poles or pipes.
- 603 KAR 5:260. Annual permits for moving farm equipment.
- 603 KAR 5:270. Annual overweight permits for the movement of steel products or materials.

EDUCATION AND HUMANITIES CABINET Department of Education Office of District Support Services

General Administration

- 702 KAR 1:035. Group health and life insurance. (Deferred from July)

WORKFORCE DEVELOPMENT CABINET Department for Adult and Technical Education

Adult Education

- 780 KAR 9:130. Qualifications for progressing satisfactorily through a GED program.

LABOR CABINET

Occupational Safety and Health

- 803 KAR 2:015. General industry standards.
- 803 KAR 2:306. Adoption of 29 CFR Part 1910.94 - 1910.100.
- 803 KAR 2:310. Adoption of 29 CFR Part 1910.151-.153.
- 803 KAR 2:313. Adoption of 29 CFR Part 1910.176 - 1910.190.
- 803 KAR 2:317. Adoption of 29 CFR Part 1910.261-.275.
- 803 KAR 2:320. Adoption of 29 CFR Part 1910.1000 - 1910.1500. (Not Amended After Hearing)

PUBLIC PROTECTION AND REGULATION CABINET Department of Alcoholic Beverage Control

Conduct of Business; Employees

- 804 KAR 5:070. Minors. (Deferred from July)

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Quotas

804 KAR 9:040 & E. Retail package liquor license quota. (Deferred from July)

Department of Insurance

Administration

806 KAR 2:070. Preservation of records.

Trade Practices and Frauds

806 KAR 12:095. Unfair claims settlement practices for property and casualty insurance.

Health Insurance Contracts

806 KAR 17:066. Medicare supplement insurance policies.

Insurance Holding Company Systems

806 KAR 37:010. Insurance holding company systems.

Kentucky Racing Commission

Harness racing rules

811 KAR 1:215. Kentucky standardbred development fund.

Department of Housing, Buildings and Construction

Plumbing

815 KAR 20:020. Parts or materials list.

CABINET FOR HUMAN RESOURCES Office of Administrative Services

Vital Statistics

901 KAR 5:050 & E. Fees for searches, certified copies of certificates and records.

Department for Health Services

Communicable Diseases

902 KAR 2:170. Medical conditions which may pose a threat in the school environment.

Sanitation

902 KAR 10:021 & E. License fee for frozen food locker plants.

902 KAR 10:060 & E. On-site sewage disposal.

902 KAR 10:121 & E. Inspection fees for public swimming and bathing facilities.

902 KAR 10:130 & E. Licensing fee for septic tank servicing.

Food and Cosmetics

902 KAR 45:110 & E. Permits and fees for retail food establishments, food manufacturing plants, food storage warehouses, salvage processors and distributors, and vending machine companies.

902 KAR 45:120 & E. Inspection fees; permit fees; hotels, mobile home and recreational vehicle parks.

Radiology

902 KAR 100:012 & E. Fee schedule.

Radiation Operators Certification

902 KAR 105:020 & E. General requirements.

Department for Employment Services

Unemployment Insurance

903 KAR 5:290 & E. Employer contribution rates.

Department for Social Insurance

Food Stamp Program

904 KAR 3:010. Definitions.

904 KAR 3:020. Financial requirements.

904 KAR 3:025. Technical requirements.

904 KAR 3:035. Certification process.

Office of Inspector General

Office of Inspector General

906 KAR 1:110 & E. Rural primary-care hospital services. (Amended After Hearing)

Department for Medicaid Services

Medicaid Services

907 KAR 1:045. Payments for mental health center services.

907 KAR 1:376. Incorporation by reference of the hospital services manual.

907 KAR 1:382. Incorporation by reference of the preventive health manual.

907 KAR 1:408. Incorporation by reference of the nurse-midwife services manual.

907 KAR 1:412. Incorporation by reference of the podiatry services manual.

907 KAR 1:416. Incorporation by reference of the pharmacy services manual.

907 KAR 1:425. Incorporation by reference of the revised alternative intermediate services/mental retardation manual. (Repeals 907 KAR 1:424.)

907 KAR 1:432. Incorporation by reference of the home and community based waiver services manual.

907 KAR 1:550. Incorporation by reference of the targeted management services adults manual.

907 KAR 1:555. Incorporation by reference of the targeted case management services children manual.

ADMINISTRATIVE REGULATION REVIEW PROCEDURE

Filing and Publication

Administrative bodies shall file with the Regulations Compiler all proposed administrative regulations, public hearing information, tiering statement, regulatory impact analysis, fiscal note, and the federal mandate comparison. Those administrative regulations received by the deadline required in KRS 13A.050 shall be published in the Administrative Register.

Public Hearing

The administrative body shall schedule a public hearing on proposed administrative regulations to be held not less than twenty (20) nor more than thirty (30) days following publication. The time, date, and place of the hearing and the name and address of the agency contact person shall be included on the last page of the administrative regulation when filed with the Compiler's office.

Any person interested in attending the scheduled hearing must submit written notification of such to the administrative body at least five (5) days before the scheduled hearing. If no written notice is received at least five (5) days before the hearing, the administrative body may cancel the hearing.

If the hearing is cancelled, the administrative body shall notify the Compiler of the cancellation. If the hearing is held, the administrative body shall submit within fifteen (15) days following the hearing a statement of consideration summarizing the comments received at the hearing and the administrative body's responses to the comments.

No transcript of the hearing need to be taken unless a written request for a transcript is made, and the person requesting the transcript shall have the responsibility of paying for same. A recording may be made in lieu of a transcript.

Review Procedure

If a proposed administrative regulation is amended as a result of the public hearing, the amended version shall be published in the next Administrative Register; and the administrative regulation shall be reviewed by the Administrative Regulation Review Subcommittee at its next meeting following publication. If a proposed administrative regulation is not amended as a result of the hearing or if the hearing is cancelled, the administrative regulation shall be reviewed by the Administrative Regulation Review Subcommittee at its next meeting. After review by the Subcommittee, the administrative regulation shall be referred by the Legislative Research Commission to an appropriate jurisdictional committee for a second review. The administrative regulation shall be considered as adopted and in effect as of adjournment on the day the appropriate jurisdictional committee meets or thirty (30) days after being referred by LRC, whichever occurs first.

EMERGENCY ADMINISTRATIVE REGULATIONS NOW IN EFFECT

(NOTE: Emergency regulations expire 120 days from publication or upon replacement, repeal, or withdrawal)

STATEMENT OF EMERGENCY 200 KAR 14:011E

This administrative regulation outlines the general investment practices to be followed by the State Investment Commission in the investment of all state funds. A prior administrative regulation governing these practices was found to be deficient by the Interim Joint Committee on Appropriations and Revenue. That regulation will expire on July 14, 1992. This administrative regulation replaces the regulation which was found to be deficient and corrects those deficiencies found by the Interim Joint Committee on Appropriations and Revenue. This administrative regulation is being filed on an emergency basis such that there will be no lapse of time in which the investment guidelines of the State Investment Commission are in effect. This emergency administrative regulation will be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July 14, 1992.

BRERETON C. JONES, Governor and Chairman

STATE INVESTMENT COMMISSION

200 KAR 14:011E. General rules.

RELATES TO: KRS Chapter 42
STATUTORY AUTHORITY: KRS 42.525
EFFECTIVE: July 14, 1992

NECESSITY AND FUNCTION: KRS 42.525 provides that the State Investment Commission shall prescribe rules for the operation

of the state's investment program. This regulation establishes the general rules which apply to the investment of state funds.

Section 1. Definitions. For purposes of this regulation:

- (1) "Commission" means the State Investment Commission; and
- (2) "Office" means the Office of Financial Management and Economic Analysis.

Section 2. General. The purpose of this regulation is to provide standard rules that will govern the Commonwealth's investment and cash management programs.

Section 3. Goals of Investments. The goals of all investments of the Commonwealth are to:

- (1) Insure safety of principal. The commission shall not allow the investment of state funds in any institution or instrument which it deems unsafe and a threat to the security of those funds.
- (2) Maintain adequate liquidity to meet the cash needs of the Commonwealth. The commission is charged with the duty of determining the Commonwealth's liquidity needs pursuant to KRS 42.410. In light of this responsibility, the office shall not execute nor allow the execution of any investment that will negatively impact the short or long-term cash needs of the Commonwealth.
- (3) Maximize yield. The commission shall invest in securities which maximize yield or return to the Commonwealth within the safety and liquidity constraints set out by the commission.

Section 4. Monies to be Invested. The commission shall invest all state funds as defined in KRS 446.010(31) which are excess, surplus,

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or otherwise available for investment for periods of time of one (1) day or more.

Section 5. Minimum Interest Rates. (1) The amount of funds per investment instrument will be determined periodically by the commission at its regular public meetings. Criteria to determine such amounts are:

(a) Liquidity needs of the various state agencies for which funds are budgeted; and

(b) Rates available per instrument, and safety of principal and interest.

(2) Investment instruments will be qualified as available for use by being:

(a) Specified as such in statute; and

(b) Further qualified under the provisions of 200 KAR 14:081, 200 KAR 14:091 and other administrative regulations as promulgated by the commission.

(3) The commission shall not allow the investment of state funds in any institution or instrument for a term of one (1) year or less at a yield less than the yield available on Treasury Bills of similar maturity. For funds to be invested for more than one (1) year, the commission shall not allow investment in any institution or instrument at a yield less than the yield available on Treasury Notes of similar maturity.

Section 6. Acceptable Maturity of Investments. The maturity of investments made by the commission shall be subject to the liquidity needs of the Commonwealth as determined by the commission.

Section 7. In-state and Out-of-state Deposits. All funds eligible for investment in certificates of deposit as determined by the commission shall first be offered to financial institutions chartered in Kentucky or by the United States that have their main office located in Kentucky. The rate at which these funds will be offered shall be set by the commission as set out in KRS Chapter 42. Should Kentucky financial institutions eligible for these funds refuse any part of the funds offered, the commission may offer the funds to any commercial bank chartered in the United States, approved by the commission. Any out-of-state investments shall be subject to the same collateralization requirements as in-state investments.

Section 8. Distribution of Funds Among Types of Institutions. Distribution of funds among types of institutions will be determined from time to time by the commission at its regular public meetings. The criteria for that distribution will be:

(1) The institution is permitted by statute to qualify as a depository;

(2) Rates available;

(3) Sufficiency of collateral; and

(4) Determination as to whether institutions are meeting the economic development needs of the community.

BRERETON C. JONES, Chairman

APPROVED BY AGENCY: July 6, 1992

FILED WITH LRC: July 14, 1992 at 4 p.m.

STATEMENT OF EMERGENCY 200 KAR 14:081E

This administrative regulation outlines the practices to be followed by the State Investment Commission in the investment of repurchase agreements for all state funds. A prior administrative regulation governing these practices was found to be deficient by the Interim Joint Committee on Appropriations and Revenue. That regulation will expire on July 14, 1992. This administrative regulation replaces the regulation which was found to be deficient and corrects those deficiencies found by the Interim Joint Committee on Appropriations and Revenue. This administrative regulation is being filed on an emergency basis such that there will be no lapse of time in which the investment guidelines of the State Investment Commission are in effect. This emergency administrative regulation will be replaced by

an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July 14, 1992.

BRERETON C. JONES, Governor and Chairman

STATE INVESTMENT COMMISSION

200 KAR 14:081E. Repurchase agreement.

RELATES TO: KRS Chapters 41, 42

STATUTORY AUTHORITY: KRS 42.525

EFFECTIVE: July 14, 1992

NECESSITY AND FUNCTION: KRS 42.525 provides that the State Investment Commission shall prescribe rules for the operation of the state's investment program. This regulation establishes the general rules which shall apply to the employment of repurchase agreements as investment vehicles with commercial banks or savings and loan associations chartered by the Commonwealth of Kentucky or by an agency of the United States government to do business in Kentucky, providing the main office is in Kentucky; or investment banking firms approved by the State Investment Commission at its open regular meetings.

Section 1. Definitions. For purposes of this regulation:

(1) "Commission" means the State Investment Commission;

(2) "Office" means the Office of Financial Management and Economic Analysis;

(3) "Repurchase agreement" means an actual, conditional purchase of securities of the United States Treasury, any agency instrumentality or corporation of the United States, or any other security authorized for investment pursuant to KRS 42.500(6), with an agreement to resell the securities to their original owner on a specific date in the future.

Section 2. General. The use of repurchase agreements as a vehicle by which to channel state investable funds into commercial banks and savings and loan associations provides distinct advantages to both parties. The banks and savings and loan associations do not have to post reserves against these funds in that they are not defined as deposits by their regulatory agencies. Secondly, they do not have to bear increased premiums for deposit insurance. The result is that the state may receive a higher yield for its investment. Further, repurchase agreements, in general, provide the maximum available yield to the state's portfolio of the alternatives statutorily available to the commission in managing short-term funds.

Section 3. Monies to be Invested. The commission shall invest all public funds as defined by KRS 446.010(31). The office shall execute all investments on behalf of the commission. All such investments shall be executed in accordance with the investment policies duly adopted by the commission.

Section 4. Minimum Interest Rates. The commission shall not allow public funds to be invested in any repurchase agreement with a yield less than could be received on any directly purchased United States Treasury security of a comparable maturity.

Section 5. Eligible Investment Institutions. Any commercial bank or savings and loan association chartered by the Commonwealth of Kentucky or by the U.S. government with its main office located in Kentucky shall be considered eligible to enter into repurchase agreements (as defined in this regulation) with the Commonwealth. Any investment banking firm approved by the commission at an open meeting shall be considered eligible.

Section 6. Reporting Requirements for Eligible Investment Institutions. The commission shall advise all eligible investment institutions of the following reporting requirements which are prerequisites for the investment of state funds in such institutions:

(1) For commercial banks and savings and loan associations chartered by the Commonwealth of Kentucky or by the U.S. govern-

ment with main offices located in Kentucky:

(a) The institution must submit a copy of its quarterly financial reports as furnished to regulatory bodies, including all accompanying schedules, to the commission;

(b) The institution must complete and sign a repurchase agreement contract with the Commonwealth.

(2) For investment banking firms:

(a) The institution must submit a copy of its annual audited financial statements and copies of quarterly financial statements, as published, to the commission;

(b) The institution shall complete and sign a repurchase agreement contract with the Commonwealth.

Section 7. Kentucky Banks and Savings and Loan Associations, Priority for Placement of Repurchase Agreements. Pursuant to KRS 42.520, the commission shall assign public funds to public depositories by priority based on evidence that the public depository serves the convenience and economic development needs of the communities in which they are chartered to do business. Repurchase agreements with commercial banks and savings and loan associations chartered by the Commonwealth of Kentucky or by the U.S. government with main offices located in Kentucky shall be placed pursuant to the following guidelines. As loan demand is a measure of economic activity in a community and as investments shorter than one (1) year are unlikely to provide loanable capital to financial institutions, the prioritization factors for placement of repurchase agreements with maturities longer than one (1) year shall be as follows:

(1) For repurchase agreements with maturities equal to or greater than 365 days, the following financial criteria must be met or exceeded:

(a) A loan to deposit ratio of equal to or greater than seventy (70) percent;

(b) A nonperforming loan to capital ratio of equal to or less than twenty (25) five percent;

(c) A capital to assets ratio of equal to or greater than seven (7) percent; and

(d) A return on assets ratio greater than zero.

(2) Repurchase agreements with maturities equal to or greater than 365 days with commercial banks and savings and loan associations chartered by the Commonwealth of Kentucky or by the U.S. government with main offices located in Kentucky shall be limited to \$5,000,000 per institution.

(3) The office shall review the financial ratios listed semiannually to determine eligibility of institutions. Existing repurchase agreements with maturities equal to or greater than one (1) year with institutions which fail to meet the minimum criteria for two (2) consecutive reporting periods are subject to call at par value by the commission. Repurchase agreements shall be placed according to:

(a) Availability of funds;

(b) Demand for funds by the institutions; and

(c) Highest loan to deposit ratio of eligible institutions.

Section 8. Maximum Size of Repurchase Agreement per Institution. The commission shall not enter into any repurchase agreement with a commercial bank or savings and loan association of more than \$25,000,000, provided, however, that no such agreement shall be an amount in excess of its capital structure or ten (10) percent of the institution's deposits, whichever is less. There shall be no limitation on the amount of repurchase agreements entered into with investment banking firms. The commission shall review at a minimum on an annual basis, the maximum size of repurchase agreements per institution.

Section 9. Payment for and Safekeeping Purchases. All transactions will be conducted on a payment-versus-delivery basis. In no event will any party allow state funds to be released until delivery of adequate, negotiable collateral has been verified. Securities purchased from commercial banks, savings and loan associations, or investment banks in a repurchase agreement shall be received, verified, and safe-kept by the state's general depository bank or its agent (subject to the approval of the commission).

Section 10. Eligible Securities. Any investment security issued or guaranteed by the United States Treasury; or any agency, corporation or instrumentality of the government of the United States or any other security authorized for investment pursuant to KRS 42.500(6), will be considered eligible for repurchase agreements.

Section 11. Sufficiency of Securities Purchased. The securities purchased shall have a market value (including accrued interest) of not less than 102 percent of the face value of the repurchase agreement. The commission shall cause to have entered in the state's general depository banking contract, language requiring the general depository to review the sufficiency of collateral on all repurchase agreements, at least every seven (7) calendar days. Further, the commission shall demand additional securities be delivered immediately should market conditions cause the value of the securities purchased to drop below 102 percent of the face value of the repurchase agreement.

Section 12. Status of Parties. Both the commission and the commercial bank, savings and loan association, or investment bank shall be considered principals in all repurchase agreements and never be considered to be acting as agents for third parties. All contractual obligations shall apply to and be binding on the commission and the specific financial institution with which the repurchase agreement is initially negotiated and settled.

Section 13. Default. The commission shall, in the case of default, or the suspicion of default, on the part of any institution with which it has entered into a repurchase agreement, immediately liquidate all securities delivered to it in the repurchase agreement. From the proceeds, the commission shall pay itself the full principal and accrued interest due as of the date of liquidation. Any remaining cash balances will be forwarded to the financial institution with which the repurchase agreement was originally executed.

Section 14. Contract. Formal agreements shall be signed by commercial banks, savings and loan associations, and investment banks desiring to enter into repurchase agreements with the Commonwealth. Each commercial bank and savings and loan association and investment bank must agree to and sign the Commonwealth's repurchase agreement contract prior to executing a repurchase agreement with the Commonwealth.

BRERETON C. JONES, Chairman

APPROVED BY AGENCY: July 6, 1992

FILED WITH LRC: July 14, 1992 at 4 p.m.

STATEMENT OF EMERGENCY 200 KAR 14:091E

This administrative regulation outlines the practices to be followed by the State Investment Commission in the investment of money market instruments for all state funds. A prior administrative regulation governing these practices was found to be deficient by the Interim Joint Committee on Appropriations and Revenue. That regulation will expire on July 14, 1992. This administrative regulation replaces the regulation which was found to be deficient and corrects those deficiencies found by the Interim Joint Committee on Appropriations and Revenue. This administrative regulation is being filed on an emergency basis such that there will be no lapse of time in which the investment guidelines of the State Investment Commission are in effect. This emergency administrative regulation will be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July 14, 1992.

BRERETON C. JONES, Governor and Chairman

STATE INVESTMENT COMMISSION

200 KAR 14:091E. Guidelines for money market instruments.

RELATES TO: KRS Chapter 42

STATUTORY AUTHORITY: KRS 42.525

EFFECTIVE: July 14, 1992

NECESSITY AND FUNCTION: KRS 42.525, provides that the State Investment Commission shall prescribe rules for the operation of the state's investment program. This regulation establishes the rules which shall apply to the use of certain money market instruments which include bankers' acceptances, commercial paper and negotiable collateralized and uncollateralized certificates of deposit.

Section 1. Definitions. For purposes of this regulation:

(1) "Commission" means the State Investment Commission;

(2) "Office" means the Office of Financial Management and Economic Analysis;

(3) "Bankers' acceptance" means a short-term negotiable discount note drawn on and accepted by a bank or trust company which is obligated to pay the face value amount at maturity, which is rated in one (1) of the three (3) highest categories by a nationally recognized rating agency.

(4) "Commercial paper" means an unsecured promissory obligation having a maturity of less than 270 days and is originated by an institution that is rated in the highest category by a nationally recognized rating agency.

Section 2. Bankers' Acceptances. (1) The office may purchase these instruments if originated by a bank rated in one (1) of the three (3) highest categories by a nationally recognized rating agency;

(2) The purchase of these instruments shall be made on a payment versus delivery basis and shall be held in the Commonwealth's account in whatever depository shall be designated as eligible by the commission;

(3) These investments may be made for a period of no longer than six (6) months per investment and the total amount of the investment in this security shall not exceed the amount of \$10 million in one (1) institution at a time.

Section 3. Commercial Paper. (1) The office may purchase these instruments when originated by an issuer that is rated in the highest category by a nationally recognized rating agency;

(2) The purchase of these instruments shall be made on a payment versus delivery basis and shall be held in the Commonwealth's account in whatever depository shall be designated as eligible by the commission;

(3) The investments in commercial paper shall be made for a period of no longer than nine (9) months per investment and the total amount of the investment in this security shall not exceed the amount of \$10 million by any issuer at a time.

Section 4. Negotiable Certificates of Deposit, Collateralized and Uncollateralized. (1) The office may purchase these instruments when issued by banks rated in one (1) of the three (3) highest categories by a nationally recognized rating agency;

(2) The purchase of these instruments shall be made on a payment versus delivery basis and shall be held in the Commonwealth's account in whatever depository shall be designated as eligible by the commission;

(3) These investments may be made for a period of no longer than six (6) months per investment and the total amount of investments in these securities shall not exceed the amount of \$10 million in any one (1) institution at a time.

Section 5. Limit of Money Market Instruments of the State's Total Portfolio. The aggregate investment in bankers' acceptances, commercial paper, and negotiable certificates of deposit shall not exceed twenty (20) percent of the Commonwealth's total investment portfolio.

Section 6. Exceptions. There shall be no exceptions to these guidelines except those approved by the commission or the executive director of the office on the commission's behalf based upon the liquidity needs of the Commonwealth.

BRERETON C. JONES, Chairman

APPROVED BY AGENCY: July 6, 1992

FILED WITH LRC: July 14, 1992 at 4 p.m.

STATEMENT OF EMERGENCY
501 KAR 6:060E

In order to continue to operate the Corrections Cabinet in accordance with KRS Chapter 196, the Corrections Cabinet needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because allowing staff to operate the mail room on Saturdays creates additional burdens on the operating budget at Northpoint Training Center and immediately closing the mail room on Saturdays will effectively reduce costs. There is also pending litigation which this regulation should help resolve without liability being assessed against an agency of state government. This emergency regulation will be replaced by the ordinary administrative regulation filed with LRC on June 24, 1990 in accordance with KRS Chapter 13A.

PAUL PATTON, Acting Governor

JACK C. LEWIS, Commissioner

CORRECTIONS CABINET

501 KAR 6:060E. Northpoint Training Center.

RELATES TO: KRS Chapters 196, 197, 439

STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640

EFFECTIVE: June 24, 1992

NECESSITY AND FUNCTION: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the secretary to adopt, amend or rescind regulations necessary and suitable for the proper administration of the cabinet or any division therein. These policies and procedures are incorporated by reference in order to comply with the accreditation standards of the American Correctional Association. These regulations are in conformity with those provisions.

Section 1. Pursuant to the authority vested in the Corrections Cabinet the following policies and procedures, revised June 24 [46], 1992, are incorporated by reference and shall be referred to as Northpoint Training Center Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601 or may be reviewed at the Office of General Counsel weekdays from 8 a.m. to 4:30 p.m.

NTC 01-05-01	Extraordinary Occurrence Reports
NTC 01-10-01	Legal Assistance for Staff
NTC 01-11-01	Political Activities of Merit Employees
NTC 01-15-01	Establishment of the Warden as Chief Executive Officer
NTC 01-17-01	Relationships with Public, Media and Other Agencies
NTC 02-02-02	Warden's Participation in the Agency Budgeting Process
NTC 02-03-01	Fiscal Management: Audits
NTC 02-04-01	Internal Control and Monitoring of Accounting Procedures
NTC 02-07-02	Chapel Fund
NTC 02-08-01	Inmate Canteen
NTC 02-10-01	Insurance Coverage
NTC 02-12-01	Inmate Personal Accounts
NTC 04-01-01	Training and Staff Development
NTC 04-04-01	Firearms and Chemical Agents Training

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NTC 06-01-01	Offender Records	NTC 15-04-01	Inmate Identification <u>(Revised 6/24/92)</u>
NTC 06-01-02	Records - Release of Information	NTC 16-01-01	Mail Regulations <u>(Revised 6/24/92)</u>
NTC 06-01-03	Taking Offender Record Folders onto the Yard	NTC 16-02-01	Visiting
NTC 08-05-01	The Fire and Safety Officer	NTC 16-02-02	Extended and Special Visits
NTC 08-05-02	Fire Procedures	NTC 16-02-03	Honor Dorm Visiting
NTC 08-05-03	Fire Prevention	NTC 16-03-01	Inmate Furloughs <u>(Revised 6/24/92)</u>
NTC 08-05-04	Storage of Flammables and Dangerous Chemicals and Their Use	NTC 16-05-01	Telephone Use and Control <u>(Revised 6/24/92)</u>
NTC 08-07-01	Safety Standards	NTC 17-01-01	Personal Property Control
NTC 10-01-01	Special Management Unit <u>(Revised 6/15/92)</u>	NTC 17-01-02	Authorized Inmate Personal Property
NTC 10-02-01	Protective Custody Unit <u>(Revised 6/15/92)</u>	NTC 17-01-03	Unauthorized Inmate Property
NTC 10-03-01	Protective Custody <u>(Revised 6/15/92)</u>	NTC 17-01-04	Disposition of Unauthorized Property
NTC 11-03-01	Food Services: General Guidelines	NTC 17-01-05	State Issue and Required Inmate Clothing
NTC 11-04-01	Food Service: Meals	NTC 17-03-01	Assessment/Orientation
NTC 11-04-02	Menu, Nutrition and Special Diets	NTC 18-01-01	Preparole Progress Report
NTC 11-05-02	Health Standards and Regulations for Food Service Employees	NTC 18-02-01	Classification
NTC 11-06-01	Inspection and Sanitation	NTC 18-02-02	Classification - 48 Hour Notification
NTC 11-07-01	Purchasing and Storage of Food Products	NTC 18-03-01	Special Notice Form
NTC 12-01-01	Institutional Inspection	NTC 18-05-01	Transfers of Inmates
NTC 12-02-01	Personal Hygiene for Inmates; Clothing and Linens	NTC 18-05-02	Transfer of Inmates to Kentucky Correctional Psychiatric Center
NTC 12-02-02	Issuance of Personal Hygiene Products	NTC 19-01-01	Inmate Work Program
NTC 13-01-01	Emergency Medical Care Plan	NTC 19-01-03	Temporary Leave from Job Assignment
NTC 13-01-02	Emergency and Specialized Health Services	NTC 19-02-01	Correctional Industries
NTC 13-02-01	Administration and Authority for Health Services	NTC 19-02-02	Guidelines for Correctional Industries
NTC 13-03-01	Sick Call and Pill Call	NTC 20-01-01	Academic School Program
NTC 13-04-01	Utilization of Pharmaceutical Products	NTC 20-02-01	Vocational School
NTC 13-05-01	Dental Services	NTC 20-02-02	Live Work Projects in Vocational School Classes
NTC 13-05-02	Health Maintenance Dental Services	NTC 21-01-01	Library Services
NTC 13-05-03	Dental Radiation Levels <u>(Revised 6/15/92)</u>	NTC 22-03-01	Conducting Inmate Organizational Meetings and Programs
NTC 13-05-04	Attest Steam Incubator <u>(Revised 6/15/92)</u>	NTC 23-01-01	Religious Services
NTC 13-06-01	Licensure and Training Standards <u>(Revised 6/15/92)</u>	NTC 23-03-01	Marriage of Inmates
NTC 13-07-01	Provisions for Health Care Delivery <u>(Revised 6/15/92)</u>	NTC 24-04-01	Honor Status
NTC 13-08-01	Medical and Dental Records <u>(Revised 6/15/92)</u>	NTC 24-05-01	Unit Management
NTC 13-09-01	Special Diets <u>(Revised 6/15/92)</u>	NTC 25-01-01	Release Preparation Program
NTC 13-11-01	Inmate Health Screening and Evaluation <u>(Revised 6/15/92)</u>	NTC 25-01-02	Temporary Release/Community Center Release
NTC 13-12-01	Special Health Care Programs <u>(Revised 6/15/92)</u>	NTC 25-01-03	Graduated Release
NTC 13-17-01	Inmates Assigned to Health Services <u>(Revised 6/15/92)</u>	NTC 25-02-01	Funeral Trips and Bedside Visits
NTC 13-19-01	Mental Health Care Program	NTC 25-03-01	Inmate Release Procedure
NTC 13-19-03	Suicide Prevention and Intervention Program <u>(Revised 6/15/92)</u>	NTC 26-01-01	Citizen Involvement and Volunteer Services Program
NTC 13-20-01	Infectious Disease		
NTC 13-20-02	Infection Control		
NTC 13-20-03	Disposal of Biohazard Waste <u>(Revised 6/15/92)</u>		
NTC 13-21-01	Vision Care and Optometry Services <u>(Revised 6/15/92)</u>		
NTC 13-22-01	Informed Consent <u>(Revised 6/15/92)</u>		
NTC 13-23-01	Special Needs Inmates <u>(Revised 6/15/92)</u>		
NTC 14-01-01	Legal Services Program <u>(Revised 6/24/92)</u>		
NTC 14-01-02	Receiving, and Viewing, Handling and Storage of Video Tapes <u>(Revised 6/24/92)</u>		
NTC 14-02-01	Inmate Grievance Procedure <u>(Revised 6/24/92)</u>		
NTC 14-03-01	Inmate Rights and Responsibilities <u>(Revised 6/24/92)</u>		
NTC 14-03-02	Board of Claims <u>(Revised 6/24/92)</u>		
NTC 14-04-01	Inmate Search Policy <u>(Deleted 6/24/92)</u>		
NTC 15-01-01	Restoration of Forfeited Good Time <u>(Revised 6/24/92)</u>		
NTC 15-02-01	Due Process/Disciplinary Procedures <u>(Revised 6/24/92)</u>		
NTC 15-02-02	Extra Duty Assignments <u>(Revised 6/24/92)</u>		
NTC 15-02-03	Hearing Officer <u>(Revised 6/24/92)</u>		
NTC 15-03-01	Rules for Inmates Assigned to Outside Detail <u>(Revised 6/24/92)</u>		
NTC 15-03-02	Rules and Regulations for General Population Dormitories <u>(Revised 6/24/92)</u>		
NTC 15-03-03	Rules and Regulations for Protective Custody Dormitories <u>(Deleted 6/24/92)</u>		

JACK C. LEWIS, Commissioner
APPROVED BY AGENCY: June 24, 1992
FILED WITH LRC: June 24, 1992 at 3 p.m.

STATEMENT OF EMERGENCY 601 KAR 40:020E

This emergency administrative regulation requires that corporations file a list of their 10% or greater stockholder. When the administrative regulation was amended earlier this year the stockholder list requirement was deleted. The Transportation Cabinet officials implementing the program had intended to only delete the requirement that a copy of the articles of incorporation be submitted with the application to be a transporter of municipal solid waste. This amendment is needed on an emergency basis to allow the Transportation Cabinet to continue carefully examining applicants as was intended by the 1991 General Assembly. This emergency administrative regulation will be replaced by an ordinary administrative regulation as soon as possible. The ordinary administrative regulation was filed with the Administrative Regulations Compiler on July 2, 1992.

BRERETON C. JONES, Governor
DON C. KELLY, Secretary

**TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Motor Carriers
Office of General Counsel**

601 KAR 40:020E. Application for license to operate vehicles transporting municipal solid waste.

RELATES TO: KRS 174.450

STATUTORY AUTHORITY: KRS 174.450

EFFECTIVE: July 13, 1992

NECESSITY AND FUNCTION: KRS 174.450(9) requires that the Transportation Cabinet promulgate administrative regulations to establish a municipal solid waste transportation licensing program by August 26, 1991, and that on or after November 26, 1991, that each vehicle being used to transport municipal solid waste be identified by the licensee.

Section 1. (1) An applicant for a license to operate municipal solid waste transportation vehicles within the Commonwealth of Kentucky, shall apply to the Transportation Cabinet, Office of General Counsel, 501 High Street, Frankfort, Kentucky 40622.

(2) The following information shall be provided in, or with, the application:

(a) Name in which license is sought. (NOTE: This name shall be identical to the motor carrier's current KYU number issued by the Department of Vehicle Regulation, if applicable. See question below relating to Kentucky Highway Use Tax Identification Number);

(b) Business address, including street address, city, state and zip code;

(c) Telephone number;

(d) Name of a natural person who is either the applicant, or an officer of the applicant, position of this person, Social Security number of this person and home address of this person;

(e) Number of vehicles which the licensee intends to operate;

(f) If the applicant is not a resident of Kentucky and anticipates transporting municipal solid waste from outside Kentucky to a municipal solid waste management facility in Kentucky, a copy of the applicant's "Consent to Service" document as required to be filed with the Natural Resources and Environmental Protection Cabinet;

(g) The applicant's highway use tax identification number, as required by KRS 138.665. (NOTE: If the applicant does not currently have a KYU number, it shall attach a statement of why its transportation operations do not fall within the purview of KRS 138.665);

(h) A statement that the applicant does now have, or is in the process of obtaining, liability insurance on each vehicle in the amounts currently required by Kentucky law;

(i) A statement of whether the applicant or any corporate officer or principal stockholder thereof has ever been convicted of a felony; and

(j) If the applicant is a Kentucky corporation, a copy of the corporation's certificate of good standing from the Kentucky Secretary of State or, ~~[in the jurisdiction in which it was incorporated and]~~ if a foreign corporation, a certificate to do business in Kentucky from the Kentucky Secretary of State, shall be submitted with the application. ~~[Neither of]~~ These certificates shall not be more than thirty (30) days old at the time the application is submitted. However, all corporations, whether foreign or domestic, shall submit a list of persons who own ten (10) percent or more of the corporation's outstanding stock.

(k) If the applicant is doing business under an assumed name, it shall provide proof with the application that the assumed name has been registered with the appropriate county clerk's office.

(l) The Transportation Cabinet may require other proof of eligibility to do business in Kentucky or proof of safety fitness).

(3) The official signing on behalf of the applicant shall:

(a) Be sworn;

(b) State that he has the authority to represent the applicant;

(c) State that the information is true and correct to the best of his knowledge and belief; and

(d) Have his signature and oath notarized.

(4) The Transportation Cabinet shall make available a form listing

the information required in subsections (2) and (3) of this section to any person wishing to apply for a license to operate municipal solid waste transportation vehicles. These forms may be obtained, inspected or copied at [from] the Office of General Counsel, 501 High Street, Frankfort, Kentucky 40622, or by telephoning 502/564-7650.

Section 2. (1) The Transportation Cabinet shall within thirty (30) days of receipt of an application: ~~[either]~~

(a) Approve the application to operate municipal solid waste transportation vehicles;

(b) Disapprove the application; or

(c) Request additional information from the applicant.

(2) However, the Transportation Cabinet shall not issue a license to anyone who has not filed a fully completed application form.

Section 3. As soon as the applicant has been licensed to operate municipal solid waste transportation vehicles, the Transportation Cabinet shall provide a form to the licensee so that the individual municipal solid waste transportation vehicles used by that licensee can be identified. This form shall contain space for the licensee to submit the following information:

(1) The municipal solid waste transporter license number and name of the municipal solid waste transporter;

(2) KYU number (if applicable) of the licensee;

(3) Telephone number of the licensee;

(4) Address of the licensee;

(5) Licensee's contact person;

(6) A sworn and notarized statement made by an official of the licensee certifying that the named licensee has, and shall maintain, liability insurance on each vehicle operated under this license;

~~(7) An [in-addition, the] official of the licensee shall state that the applicant has access to, and is familiar with, all applicable regulations of the United States Department of Transportation relating to the safe operation of commercial vehicles and the safe transportation of hazardous materials, and that the applicant shall comply with these regulations;~~

~~(8) [(7)] Identification of each vehicle to be used to transport municipal solid waste which shall include the following:~~

~~(a) The vehicle's company unit number;~~

~~(b) The complete vehicle identification number (serial number);~~

~~(c) The make of vehicle;~~

~~(d) The year of manufacture of the vehicle;~~

~~(e) The declared gross weight of the vehicle;~~

~~(f) The type of truck; and~~

~~(g) The number of axles on the vehicle;~~

~~(h) The state of license of the vehicle;~~

~~(i) The license plate number [(if the vehicle is Kentucky registered and licensed)];~~

~~(j) The name of the lessor [(if the vehicle is leased)];~~

~~(k) The amount of the fee paid; and~~

~~(l) Whether it is a first or renewal registration of that individual vehicle.~~

~~(m) To identify the type of truck and number of axles, the licensee shall, for a straight truck, code the letters "ST", followed by the total number of axles. For a tractor-trailer, the licensee shall code the letters "TR", followed by the total number of axles.~~

Section 4. Municipal solid waste transporter vehicle identification cards shall expire at midnight of December 31 of each year.

Section 5. The fee for a municipal solid waste transporter vehicle identification card which shall become effective January 1, or a renewal of an identification card, shall be ten (10) dollars. If the newly-issued card becomes effective in a month other than January, the cost of the identification card shall be prorated by using the following schedule:

(1) February - \$9.17;

(2) March - \$8.34;

(3) April - \$7.50;

(4) May - \$6.67;

(5) June - \$5.84;

- (6) July - \$5.00;
- (7) August - \$4.17;
- (8) September - \$3.34;
- (9) October - \$2.50;
- (10) November - \$1.67;
- (11) December - \$0.84.

Section 6. The original vehicle identification card shall be carried in the power unit of the vehicle for which it was issued. [No] Photocopies, reproductions or facsimiles shall not be allowed.

Section 7. Even though the Transportation Cabinet does not have the authority to issue temporary identification cards for municipal solid waste transportation vehicles, the cabinet shall promptly issue identification cards to a licensee who has properly applied for the identification cards.

~~[Section 8. The appropriate identification card shall be in the cab of each vehicle transporting municipal solid waste beginning March 1, 1992.]~~

Section 8. [9.] The Transportation Cabinet shall notify the Natural Resources and Environmental Protection Cabinet of all persons found to be transporting municipal solid waste either:

- (1) Without a license to do so; or
- (2) Without a vehicle identification card for the transportation of municipal solid waste.

Section 9. A license to operate municipal solid waste vehicles shall not be transferred. If a licensee's assets are sold or transferred and the new owner intends to continue transporting municipal solid waste, the new owner shall submit a new application pursuant to Section 1 of this administrative regulation.

NORRIS BECKLEY, Deputy Commissioner

DON C. KELLY, Secretary

APPROVED BY AGENCY: July 1, 1992

FILED WITH LRC: July 13, 1992 at 11 a.m.

STATEMENT OF EMERGENCY 603 KAR 3:060E

This administrative regulation is needed on an emergency basis because the Administrative Regulations Review Subcommittee found the three Transportation Cabinet administrative regulations relating to advertising devices 603 KAR 3:010, 603 KAR 3:020 and 603 KAR 4:025, to be in noncompliance with state law. This occurred because the definition of urban area had been changed in state law but not in the administrative regulations. The Commonwealth cannot even temporarily be without administrative regulations implementing the federal Highway Beautification Act. If this were to occur, the Commonwealth would be in noncompliance with the Highway Beautification Act and subject to a withholding of federal highway funds. This emergency administrative regulation will be replaced by an ordinary administrative regulation as soon as possible. The ordinary administrative regulation was filed with the Administrative Regulations Compiler on June 29, 1992.

BRERETON C. JONES, Governor

DON C. KELLY, Secretary

TRANSPORTATION CABINET Department of Highways Division of Traffic

603 KAR 3:060E. Advertising devices on interstate parkway and federal-aid primary highways.

RELATES TO: KRS 177.830 to 177.890, 23 CFR

STATUTORY AUTHORITY: KRS 174.080, 177.860, 23 CFR

EFFECTIVE: July 8, 1992

NECESSITY AND FUNCTION: KRS 177.860 authorizes the Department of Highways to establish reasonable standards for advertising devices on or visible from interstate, parkway and federal-aid primary highways. This administrative regulation is the means used by the Department of Highways to establish those standards. In addition KRS 177.867 requires the Department of Highways to pay just compensation for the removal of legally-erected advertising devices which are not in compliance with current state law or administrative regulation. This administrative regulation sets forth standards for determining when the Department of Highways shall pay just compensation. 23 CFR Part 661 establishes the Great River Road in extreme western Kentucky and determines that advertising devices along the road shall be controlled. This administrative regulation addresses advertising devices visible from the Great River Road.

Section 1. Agreement with FHWA. (1) The agreement entered into between the Department of Highways and the Federal Highway Administration on December 23, 1971 is incorporated by reference. This agreement is the one authorized by KRS 177.890 and 23 CFR Part 1.35 and required by 23 CFR Parts 190 and 750. It governs the erection and maintenance of advertising devices on interstate highways and federal-aid primary highways in the Commonwealth of Kentucky.

(2) Copies of this agreement may be viewed, copied or obtained from the Department of Highways, Division of Traffic, First Floor, State Office Building, 501 High Street, Frankfort, Kentucky 40622. The telephone number of the Division of Traffic is (502) 564-3020. Its hours of operation are 8 a.m. to 4:30 p.m. eastern time, Monday through Friday except state holidays.

Section 2. Incorporation of Billboard Guidance Manual. (1) The "Outdoor Advertising" portion of the "Permits Policy Guidance Manual" Sections 99-20.0100 through 99-20.0800 as revised by the Transportation Cabinet in June, 1992 is hereby incorporated by reference as a part of this administrative regulation. It specifies the application and evaluation procedures for an advertising device permit. It also includes the provisions of 23 CFR 750 with which Kentucky shall comply.

(2) Copies of this manual may be viewed or copied from the Department of Highways, Division of Traffic, First Floor, State Office Building, 501 High Street, Frankfort, Kentucky 40622. Copies of this manual may be purchased from the Department of Administrative Services, Division of Management Services, First Floor, State Office Building, 501 High Street, Frankfort, Kentucky 40622. The telephone number of the Division of Traffic is (502) 564-3020. The telephone number of the Division of Management Services is (502) 564-6927. Their hours of operation are 8 a.m. to 4:30 p.m. eastern time, Monday through Friday except state holidays.

Section 3. Great River Road. (1) The segments of highway in western Kentucky known as the Great River Road are the following:

- (a) KY 94 from the Tennessee state line in Fulton County to KY 239 in Hickman County;
- (b) KY 239 from KY 94 in Hickman County to KY 123 in Carlisle County;
- (c) KY 123 from KY 239 to KY 1022 in Carlisle County;
- (d) KY 1022 from KY 123 to US 51 in Carlisle County; and
- (e) US 51 in Carlisle County to the Illinois state line.

(2) These road segments, regardless of normal federal classification, shall for the purpose of controlling advertising devices be considered the same as a federal-aid primary highway route.

Section 4. Repeal of Regulations. (1) 603 KAR 3:010, Interstate routes is repealed.

(2) 603 KAR 3:020, Federal-aid primary routes is repealed.

(3) 603 KAR 4:025, Advertising devices; just compensation is repealed.

J.M. YOWELL, State Highway Engineer

The changes in this administrative regulation relate to safety items. The administrative regulation governs the issuance of overdimensional permits to transport house trailers which do not exceed 16 feet in width. Senate Bill 275 passed by the 1992 General Assembly allows the issuance of annual permits for the movement of house trailers up to 16 feet in width and is effective July 14, 1992. Prior to July 14, 1992 an annual permit could be issued for the movement of a mobile home no wider than 12 feet. The additional safety criteria needed for the movement of these much wider house trailers is the cause of the emergency status of this administrative regulation. The stronger safety requirements must be in effect by the time Senate Bill 275 goes into effect. This emergency regulation will be replaced with an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July 2, 1992.

TRANSPORTATION CABINET
Department of Highways
Department of Vehicle Regulation
Division of Maintenance
Division of Motor Carriers

Department of Highways to issue permits for the movement of house trailers exceeding legal dimensions but which do not exceed sixteen (16) feet in width. This administrative regulation establishes for house trailers [which do not exceed fourteen (14) feet in width] the permit application procedures within the Transportation Cabinet and establishes movement requirements necessary in the interest of highway safety and convenience.

(5) "Paved or stabilized shoulder" means a shoulder or berm of

(2) Prior to a movement of a house trailer under the provisions of an annual permit, the permit holder shall scout and evaluate the entire route proposed to be used for the movement of the overdimensional house trailer. The evaluation shall include, but not be limited to, the following:

- (a) Highway width;
- (b) Shoulder width and surface type;
- (c) Bridge width;
- (d) Curves;
- (e) Turns to be negotiated;
- (f) Construction zones;
- (g) Obstructions;
- (h) Access control;
- (i) Traffic volume; and
- (j) Other routes available which might be safer even if not as convenient.

(3) The permit holder shall use the results of the evaluation to determine the safest route available to transport the overdimensional house trailer, and if there would be any place on the proposed route which would be too narrow, have curves or turns too sharp or have other obstacles which would prevent the route from safely accommodating the move of the house trailer. The route selected by the permit holder shall be the safest available. ~~[be on highways specified on the annual permit.]~~

(4) If there is any doubt about the adequacy of the highway to safely accommodate the overdimensional house trailer, the permit holder shall either:

- (a) Select a different route; or
- (b) Contact the appropriate highway district office for clearance to move that house trailer over that specific route.

(5) If the highway district office does not issue clearance for the use of a route whose adequacy is in doubt, that route shall not be used.

~~[(3) Annual permits for the movement of house trailers may be issued only to dealers and manufacturers located within the Commonwealth of Kentucky; to certificated motor carriers who are properly licensed as motor carriers by the Department of Vehicle Regulation; and to private owner residents of Kentucky for movements of their personally owned house trailers.~~

~~(4) Each towing vehicle for house trailers greater than the legal width shall be registered in Kentucky for a gross weight of not less than 22,000 pounds, have dual wheels on the rear and be rated at least one and one-half (1 1/2) ton capacity.~~

(6) ~~[(6)]~~ An annual permit shall not be issued or used for the movement of a house trailer:

- (a) If the length of the house trailer and towing unit combined exceeds ninety-five (95) feet in length; or
- (b) If the height of the combination house trailer and towing vehicle exceeds thirteen and one-half (13.5) feet.

(7) Acceptance and use of the annual permit is the permit holder's acceptance of the liability associated with the move of the overdimensional house trailer.

Section 5. Single Trip Permits. (1) A single trip permit shall be valid for no more than ten (10) days.

(2) A single trip permit shall not be issued for any unit, including towing vehicle and house trailer combined, which exceeds ninety-five (95) feet in length or sixteen (16) ~~[fourteen (14)]~~ feet in width inclusive ~~[exclusive]~~ of the usual and ordinary overhang. Mirrors on the towing vehicle shall not be considered in making the determination of width.

(3) A single trip permit shall specify the highways to be used in the movement of the house trailer.

Section 6. Permit Costs. (1) The \$500 issuance cost of an annual permit, the twenty (20) dollar cost of ~~[of]~~ a single trip permit for the movement of a house trailer with a width of fourteen (14) feet or less and the forty (40) dollar cost of a single trip permit for the movement of a house trailer which exceeds fourteen (14) feet in width, as set forth in KRS 189.270, shall apply to the towing vehicle; and

(2) The cost shall not be prorated.

Section 7. Escort Vehicles ~~[and Lighting Requirements]~~. (1) ~~When traveling under the provisions of either a single trip or annual permit, the permit holder shall provide escort vehicles as follows:~~

- (a) On a highway of four (4) or more lanes;
 - 1. If the house trailer exceeds twelve (12) feet in width and is

fourteen (14) feet or less in width, he shall provide one (1) rear escort vehicle; or

2. If the house trailer exceeds fourteen (14) feet in width, he shall provide one (1) front and one (1) rear escort vehicles.

(b) On a highway of less than four (4) lanes which has a total pavement width of twenty-four (24) or more feet and paved or stabilized shoulders of four (4) or more feet:

1. If the house trailer exceeds ten and one-half (10.5) feet in width and is twelve (12) feet or less in width, he shall provide one (1) front escort vehicle;

2. If the house trailer exceeds twelve (12) feet in width and is fourteen (14) feet or less in width, he shall provide one (1) rear and one (1) front escort vehicles; or

3. If the house trailer exceeds fourteen (14) feet in width, he shall provide two (2) front and one (1) rear escort vehicle. ~~[One (1) lead escort vehicle is required for the movement of house trailers greater than the legal width but not exceeding twelve (12) feet wide on all two (2) lane highways.~~

~~(2) When a house trailer more than twelve (12) feet wide is moved, one (1) escort shall be required in the rear of each house trailer on highways with four (4) or more lanes. On highways of two (2) lanes, two (2) escort vehicles shall be required for each house trailer, one (1) in front and one (1) in the rear.~~

~~(3) Escort vehicles, both front and rear, shall be required where highway conditions dictate the need.]~~

(2)(a) On open highways escort vehicles shall be spaced approximately 300 feet from the towing vehicle and house trailer, except as provided in Section 8 of this regulation.

(b) In cities or congested areas this distance shall be shortened to protect other traffic.

(3) An escort vehicle's headlamps shall be lit at all times.

(4) The towing unit shall maintain radio contact with each required escort vehicle.

(5) Each required escort vehicle shall display one (1) of the following:

(a) An amber strobe or flashing light mounted on the roof of the escort vehicle; or

(b) A warning sign which:

- 1. Is clearly legible;
- 2. States "OVERSIZE LOAD" in black letters on a yellow background; and
- 3. Is placed on the front of a front escort or the rear of a rear escort.

Section 8. Traffic Control. (1) If a house trailer while crossing a bridge would encroach on any other lane of traffic:

(a) All approaching traffic shall be stopped; and

(b) All trailing traffic shall be prevented from attempting to pass the house trailer until the house trailer has cleared the bridge and has moved sufficiently to the right to safely allow following traffic to pass.

(2) When two (2) lead escort vehicles are required, the first lead escort vehicle shall be responsible for traffic control between the overdimensional house trailer and the next intersection. The second lead escort vehicle shall remain with the overdimensional house trailer as specified in Section 7 of this regulation.

(3) An overdimensional house trailer shall slow the movement of other traffic as little as possible. If traffic backs up either behind or in front of the house trailer being moved, the escort vehicles and house trailer shall exit the highway wherever there is sufficient space to do so.

Section 9. Flags, Lights and Signs. (1)(a) ~~[(4)]~~ Red or orange fluorescent flags at least eighteen (18) inches square shall be displayed on both sides of the towing vehicle or house trailer at the widest extremity and two (2) more at the extreme rear of the house trailer to indicate maximum width.

(b) The flags shall be securely fastened to the house trailer by at least one (1) corner or securely mounted on a staff.

(2)(a) ~~[(6)]~~ Amber flashing lights may be used on both the escort and towing vehicles if the house trailer's ~~[unit's]~~ width does not exceed twelve (12) feet.

(b) If the house trailer exceeds twelve (12) feet in width, all escort vehicles and the towing vehicle shall have an amber flashing light on the roof.

(3) The house trailer shall be equipped with four (4) amber flashing lights.

(a) One (1) shall be located on each outermost front and each outermost rear corner of the house trailer spaced not less than six (6) feet above the roadway.

(b) The permit holder may locate the two (2) front amber flashing lights on the truck mirrors rather than the front outermost corners of the house trailer if the mirrors extend out as far as the outermost front corners of the house trailer.

(4) Each ~~[(6)-All]~~ overdimensional house trailer [mobile-homes] and towing vehicles shall be marked and lighted in accordance with those requirements set forth in 601 KAR 1:005. All running lights shall be on while the unit is in motion.

(5)(a) ~~[(7)]~~ Oversize load signs shall be placed on the front of the towing vehicle and the rear of the house trailer any time it is operating on a highway.

(b) Each warning sign:

1. Shall state in black letters on a yellow background, "OVER-SIZE LOAD"; and

2. Shall be at least seven (7) ~~[six-(6)]~~ feet long and eighteen (18) inches high with a brush stroke of at least one and four-tenths (1.4) inches.

Section 10. ~~[8-]~~ Duplicate Permits. A duplicate permit which is needed to replace a lost, stolen or destroyed annual permit or to transfer the annual permit to another towing vehicle may be obtained from the Division of Motor Carriers by the payment of ten (10) dollars. Only one (1) transfer per annual permit shall be allowed during the year of validity of the annual permit. Any additional transfer of the annual permit requested shall be subject to the fees set forth in KRS 189.270.

~~[Section 9. Route Deviation. Prior approval shall be secured from the Division of Motor Carriers for any house trailer hauled under an annual permit which deviates from the routes prescribed in the permit issued for the towing vehicle.]~~

Section 11. ~~[40-]~~ Presentation of Permits. (1) Permits shall be carried in the towing vehicles at all times. ~~[and]~~

(2) The permit shall be presented, upon request, to any law enforcement officer or any authorized personnel of the Department of Vehicle Regulation for inspection.

(3) A photocopy of an annual permit shall not be valid.

Section 12. ~~[44-]~~ Permit Validity. (1) Permits shall be ~~[are]~~ valid during:

(a) ~~[only]~~ Daylight hours; and

(b) ~~[as defined in Section 1 of this regulation;]~~ From Monday through Saturday noon for house trailers twelve (12) feet wide or less. ~~[except for those periods before, during and after national holidays. In connection with these holidays;]~~

(2) Travel shall ~~[is]~~ not be permitted from noon of the day preceding a ~~[the]~~ national holiday until daylight of the next permissible day.

(3) If the national holiday occurs on Saturday, Sunday or Monday the restricted period shall extend from noon of the preceding Friday to daylight of the following Tuesday.

(4) ~~[(2)]~~ Permits used for the movement of house trailers more than twelve (12) feet in width shall ~~[are]~~ not be valid on Saturday or Sunday.

(5) In ~~[addition, in]~~ Jefferson, Fayette, Boone, Kenton and Campbell Counties permits used for the movement of house trailers fourteen (14) feet wide or less but more than twelve (12) feet wide shall ~~[they are]~~ only be valid between the hours of 9 a.m. and 3 p.m. and from 6 p.m. to sundown, local prevailing time.

(6) Permits used for the movement of house trailers greater than fourteen (14) feet wide shall only be valid Monday through Friday between the hours of 9 a.m. and 3 p.m. local prevailing time.

(7) ~~[(2)]~~ If satisfactory proof of an emergency is furnished the

Division of Motor Carriers, moves may be authorized during the restricted hours.

(8) A permit shall not be valid if the combined gross weight of the towing vehicle and house trailer exceeds the registered weight of the towing vehicle.

Section 13. ~~[42-]~~ Movement on Two (2) or Four (4) Lanes. Moves of house trailers more than twelve (12) feet wide shall be limited to highways of four (4) or more lanes and to the shortest and best two (2) lane route designated by the Department of Vehicle Regulation, Division of Motor Carriers to be used to the unit's ultimate destination. The department shall deny movements on any routes deemed unsuitable for move.

Section 14. ~~[43-]~~ Weather Conditions. (1) Moves of house trailers more than twelve (12) feet wide shall not ~~[cannot]~~ be made on any highway:

(a) When wind velocity exceeds twenty-five (25) MPH; or

(b) When adverse weather conditions would cause these moves to be dangerous;

(c) ~~[-House trailers that exceed twelve (12) feet in width shall not be moved]~~ When the road is partially or fully covered by sleet, snow, or ice; or

(d) When visibility is unduly impaired by rain, sleet, snow, fog, or other adverse weather condition ~~[etc.].~~

(2) Moves of house trailers which exceed fourteen (14) feet in width shall not be made:

(a) On two (2) lane highways when turf or dirt shoulders are soft or muddy; or

(b) On any wet highway.

Section 15. Brakes. (1) ~~[44-Breaks-]~~ The number, type, size and design of brake assemblies required to assist the towing vehicle in controlling and stopping a house trailer shall be sufficient to assure that the maximum stopping distance from an initial velocity of twenty (20) miles per hour does not exceed forty (40) feet.

(2) House trailers which are not equipped with brakes on all axles shall certify that the towing unit has sufficient brake assemblies to meet the braking distance specified in this section.

(3) This certification shall be in the form of a manufacturer's statement, documented technical data, or adequate engineering analysis or its equivalent, specifying that the braking distance requirement has been met.

(4) This certificate shall be carried in the towing unit at all times and shall be presented upon request, to any law enforcement officer.

Section 16. ~~[45-]~~ Speed Limit. (1) The speed limit for the movement of house trailers greater than twelve (12) feet wide on interstate and other fully controlled limited access highways is forty-five (45) MPH.

(2) On other highways the speed limit is thirty-five (35) MPH, unless posted minimum speed exceeds this, then the speed limit may be increased to the minimum posted speed.

Section 17. Liability of the Permit Holder. The permit holder shall be responsible to pay for or replace any sign, traffic control device, guardrail or other property damaged or destroyed during the move of the house trailer.

Section 18. Repeal. 603 KAR 5:111, Permits for moving mobile homes in excess of fourteen (14) feet in width, is repealed.

NORRIS BECKLEY, Deputy Commissioner

DON C. KELLY, Secretary

J. M. YOWELL, State Highway Engineer

APPROVED BY AGENCY: July 2, 1992

FILED WITH LRC: July 15, 1992 at 11 a.m.

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STATEMENT OF EMERGENCY 603 KAR 5:300E

This administrative regulation is needed on an emergency basis because the administrative regulation which establishes the maximum weight limit on each state-maintained highway expires July 14, 1992. This expiration results from the Administrative Regulations Review Subcommittee finding 603 KAR 5:096 to be in noncompliance. This occurred because 603 KAR 5:096 was not updated to include the 2200 miles of county roads incorporated into the state-maintained system in the late 1980's. Without an administrative regulation establishing these weight limits in existence, the legal weight limit on all roads in the state would be 36,000 pounds. This would effectively legally stop the trucking industry in and through Kentucky. Economically, the Commonwealth cannot stand for this to happen. This emergency administrative regulation will be replaced by an ordinary administrative regulation as soon as possible. The ordinary administrative regulation was filed with the Administrative Regulations Compiler on July 2, 1992.

BRERETON C. JONES, Governor
DON C. KELLY, P.E., Secretary
EFFECTIVE: July 13, 1992

COMPILER'S NOTE: This emergency administrative regulation reads exactly the same as the ordinary administrative regulation filed with the Regulations Compiler's office on July 2, 1992. Since these administrative regulations are so voluminous (582 double-spaced pages), we are only publishing the Statement of Emergency. However, the ordinary administrative regulation that will eventually replace this emergency administrative regulation is published in its entirety on page 561 of this issue of the Administrative Register.

STATEMENT OF EMERGENCY 901 KAR 5:050E

Emergency regulation 901 KAR 5:050E is necessary in order to implement the provisions of HB 468 by amending the current vital statistics regulation. An ordinary administrative regulation amendment cannot be in effect in time to meet the effective date of July 1, 1992 for HB 468, which increases fees for certified copies and searches for birth, death, marriage and divorce records. The emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A. The ordinary regulation was filed with the Regulations Compiler for the June 1992 filing.

BRERETON C. JONES, Governor
LEONARD E. HELLER, Secretary

CABINET FOR HUMAN RESOURCES Department for Health Services Division of Vital Records

901 KAR 5:050E. Fees for searches, certified copies of certificates and records.

RELATES TO: KRS [Chapter] 213.141
STATUTORY AUTHORITY: KRS [Chapter] 213.141, HB 468, Part I.G. 52g of the 1992 General Assembly, p. 63 (appropriation) p. 65 (fee authority) [~~H.B. 64, H.B. 799 as enacted by the 1990 General Assembly~~]

EFFECTIVE: July 2, 1992

NECESSITY AND FUNCTION: KRS [Chapter] 213.141 directs the Cabinet for Human Resources to set a reasonable fee by administrative regulation for searches ~~and~~ or for copies of the record of any birth, ~~or~~ death, marriage or divorce.

Section 1. Fees for Searches and, Certified Copies of Certificates and Records. The following fees shall be charged for searches for and copies of records registered with the State Registrar of Vital

Statistics, Cabinet for Human Resources:

RECORD	RECORD SEARCH AND CERTIFIED COPY	RECORD SEARCH AND NO COPY
Death	\$6.00 [5.00]	\$6.00 [5.00]
Marriage	\$6.00 [5.00]	\$6.00 [5.00]
Divorce	\$6.00 [5.00]	\$6.00 [5.00]
Birth	\$7.00 [6.00]	\$7.00 [6.00]

PATRICIA K. NICOL, M.D., Acting Commissioner
LEONARD E. HELLER, Secretary
APPROVED BY AGENCY: June 9, 1992
FILED WITH LRC: July 2, 1992 at 10 a.m.

STATEMENT OF EMERGENCY 902 KAR 10:021E

Emergency regulation 902 KAR 10:021E is necessary in order to implement the provisions of HB 468 by amending the current environmental health regulation. An ordinary administrative regulation amendment cannot be in effect in time to meet the effective date of July 1, 1992, for HB 468, which increases state permit and/or inspection service fees. The emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

BRERETON C. JONES, Governor
LEONARD E. HELLER, Secretary

CABINET FOR HUMAN RESOURCES Department for Health Services Division of Local Health

902 KAR 10:021E. License fees for frozen food locker plants.

RELATES TO: KRS 221.020, HB 468 [799]
STATUTORY AUTHORITY: KRS 194.050, 221.020, HB 468 Part I.G. 52g of the 1992 GA, p. 63 (appropriation) p. 65 (fee authority) [~~799 of the 1990 GA~~]

EFFECTIVE: July 2, 1992

NECESSITY AND FUNCTION: KRS 194.050 and HB 468 [799] authorizes the Secretary for Human Resources to adopt a reasonable schedule of fees covering all charges for health services provided by the Cabinet for Human Resources and any local health department. This administrative regulation is to set forth a licensing fee relative to frozen food locker plants.

Section 1. All applications for a license to operate a frozen food locker plant or branch frozen food locker plant shall be accompanied by a license fee of twenty (20) ~~[eighteen-(18)]~~ dollars.

PATRICIA K. NICOL, M.D., Acting Commissioner
LEONARD E. HELLER, Secretary
APPROVED BY AGENCY: June 8, 1992
FILED WITH LRC: July 2, 1992 at 10 a.m.

STATEMENT OF EMERGENCY 902 KAR 10:060E

Emergency regulation 902 KAR 10:060E is necessary in order to implement the provisions of HB 468 by amending the current environmental health regulation. An ordinary administrative regulation amendment cannot be in effect in time to meet the effective date of July 1, 1992, for HB 468 which increases state permit and/or inspection service fees. The emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A. The ordinary administrative regulation was filed with the Regula-

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tions Compiler for the June, 1992, filing.

BRERETON C. JONES, Governor
LEONARD E. HELLER, Secretary

CABINET FOR HUMAN RESOURCES Department for Health Services Division of Local Health

902 KAR 10:060E. On-site sewage disposal.

RELATES TO: KRS 211.350(5)

STATUTORY AUTHORITY: KRS 194.050, 211.350(5), HB 468, Part I, G. 52, g. of the 1992 GA, p. 63 (appropriation) p. 65 (fee authority) [799 of the 1990 GA]

EFFECTIVE: June 30, 1992

NECESSITY AND FUNCTION: KRS 211.350(5) and HB 468 [799] authorize the Cabinet for Human Resources to establish a schedule of reasonable fees to cover the costs of services performed by the cabinet with respect to on-site sewage disposal systems. The function of this administrative regulation is to set forth the fee to be charged in order to cover the actual cost to the cabinet of the administration of the on-site sewage disposal system program.

Section 1. All applications for a permit to construct, install, or alter an on-site sewage disposal system filed with the cabinet or its agent shall be accompanied by a fee of thirty (30) [twenty-five (25)] dollars.

PATRICIA K. NICOL, M.D., Acting Commissioner
LEONARD E. HELLER, Secretary

APPROVED BY AGENCY: June 11, 1992

FILED WITH LRC: June 30, 1992 at 9 a.m.

STATEMENT OF EMERGENCY 902 KAR 10:121E

Emergency regulation 902 KAR 10:121E is necessary in order to implement the provisions of HB 468 by amending the current environmental health regulation. An ordinary administrative regulation amendment cannot be in effect in time to meet the effective date of July 1, 1992, for HB 468, which increases permit and/or inspection service fees. The emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A. The ordinary administrative regulation was filed with the Regulations Compiler for the June, 1992, filing.

BRERETON C. JONES, Governor
LEONARD E. HELLER, Secretary

CABINET FOR HUMAN RESOURCES Department for Health Services Division of Local Health

902 KAR 10:121E. Inspection fees for public swimming and bathing facilities.

RELATES TO: HB 468 [799]

STATUTORY AUTHORITY: KRS 194.050, HB 468, Part I, G. 52, g. of the 1992 GA, p. 63 (appropriation) p. 65 (fee authority) [HB 799 of the 1990 GA]

EFFECTIVE: June 30, 1992

NECESSITY AND FUNCTION: KRS 194.050 and HB 468 [799] authorize the Secretary for Human Resources to adopt a schedule of reasonable fees covering the cost of annual inspections provided by the Cabinet for Human Resources and any local health department. This administrative regulation sets forth a schedule of fees for inspectional services related to public swimming and bathing facilities.

Section 1. Fees for Inspections. For inspections conducted by the department or its representatives to determine compliance with

administrative regulation 902 KAR 10:120 adopted by the cabinet pursuant to KRS 194.050, HB 468 [492 and HB 616], public swimming and bathing facilities shall be subject to the payment of the following fees:

(1) Swimming and bathing facilities with a total water surface area of less than 1,000 square feet; or beach fronts of less than 150 linear feet - sixty-five (65) [sixty (60)] dollars per year.

(2) Swimming and bathing facilities with a total water surface area of 1,000 square feet or greater; or beach fronts of 150 linear feet or greater - \$125 [429] per year.

Section 2. Payment of Fees. (1) Fees shall be paid to the local health department having jurisdiction. Fees received by local health department shall be deposited in the Kentucky State Treasury in a trust and agency account for use solely in administering the program. Inspection fees shall be submitted annually prior to May [July] 1. For newly constructed facilities such fees shall be initially submitted at the preopening inspection and at each May [July] 1 date thereafter.

PATRICIA K. NICOL, M.D., Acting Commissioner
LEONARD E. HELLER, Secretary

APPROVED BY AGENCY: June 11, 1992

FILED WITH LRC: June 30, 1992 at 9 a.m.

STATEMENT OF EMERGENCY 902 KAR 10:130E

Emergency regulation 902 KAR 10:130E is necessary in order to implement the provisions of HB 468 by amending the current environmental health regulation. An ordinary administrative regulation amendment cannot be in effect in time to meet the effective date of July 1, 1992, for HB 468, which increases state permit and/or inspection service fees. The emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A. The ordinary administrative regulation was filed with the Regulations Compiler for the June, 1992, filing.

BRERETON C. JONES, Governor
LEONARD E. HELLER, Secretary

CABINET FOR HUMAN RESOURCES Department for Health Services Division of Local Health

902 KAR 10:130E. Licensing fee for septic tank servicing.

RELATES TO: KRS 211.972, HB 468 [799]

STATUTORY AUTHORITY: KRS 194.050, 211.976, 211.978, HB 468, Part I, G. 52, g. of the 1992 GA, p. 63 (appropriation) p. 65 (fee authority) [211.972, HB 799 of the 1990 GA]

EFFECTIVE: June 30, 1992

NECESSITY AND FUNCTION: KRS 194.050 and HB 468 [799] authorize the Secretary for Human Resources to adopt a reasonable schedule of fees to cover all charges for health services provided by the Cabinet for Human Resources with respect to the servicing of septic tanks. The function of this administrative regulation is to set forth the fees to be charged.

Section 1. All applications for a business license to service or maintain [a] septic tanks, seepage pits, or cesspools shall be accompanied by a license fee of \$120 [440].

Section 2. All applications for a vehicle license to service or maintain septic tanks, seepage pits, or cesspools shall be accompanied by a license fee of forty (40) [thirty-five (35)] dollars for each vehicle.

PATRICIA K. NICOL, M.D., Acting Commissioner
LEONARD E. HELLER, Secretary

APPROVED BY AGENCY: June 12, 1992

FILED WITH LRC: June 30, 1992 at 9 a.m.

STATEMENT OF EMERGENCY
902 KAR 20:004E

Emergency regulation 902 KAR 20:004E is necessary in order to allow the Interim Office of Health Planning and Certification (the successor agency to the former Commission for Health Economics Control in Kentucky) to carry out those duties and functions assigned to it by Executive Order and mandated by KRS Chapter 216B. An ordinary administrative regulation will not allow the Interim Office of Health Planning and Certification to begin to perform its statutorily required duties in a timely fashion. The emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A. The ordinary administrative regulation will be filed with the Regulations Compiler for the August, 1992 filing.

BRERETON C. JONES, Governor
LEONARD E. HELLER, Secretary

CABINET FOR HUMAN RESOURCES
Interim Office of Health Planning & Certification

902 KAR 20:004E. Certificate of need process.

RELATES TO: KRS 216B.010 to 216B.130, 216B.990(1), (2)

STATUTORY AUTHORITY: KRS 13A.350, 216B.040, 216B.075,
Executive Orders 92-419, 92-540

EFFECTIVE: July 10, 1992

NECESSITY AND FUNCTION: KRS 216B.040 and 216B.075 require the promulgation of administrative regulations relating to certificate of need applications and review procedures and requirements for batching, issuing advisory opinions, cost escalations and cost overruns and progress reports.

Section 1. Definitions. Except as otherwise provided, for purposes of this regulation, the following definitions shall apply:

(1) "Capital expenditure authorized" means the amount of the capital expenditure approved by the interim office to implement a proposal.

(2) "Cost escalation" means an increase in the capital expenditure authorized on a certificate of need which has not been obligated as prescribed in KRS 216B.015(28).

(3) "Cost overrun" means an increase in the capital expenditure authorized on a certificate of need which has been obligated without hearing officers' approval.

(4) "Hearing officers" means those persons appointed by the Secretary of the Cabinet for Human Resources to perform the adjudicatory and decision-making functions of the Interim Office of Health Planning and Certification.

(5) "Improvement" means change or addition to the premises of an existing facility so as to enhance its capability to deliver those services which it is authorized to offer under its existing license or under an outstanding certificate of need approval.

(6) "Interim office" means the Interim Office of Health Planning and Certification created by Executive Order 92-419, dated April 27, 1992, and any successor office or agency.

(7) "New construction" means building projects other than those which constitute the repair, renovation, alteration or improvement to the physical plant of an existing health facility.

(8) "Public information channels" means the Office of Communications in the Cabinet for Human Resources.

(9) "Review commences" means the date of public notice of the appropriate batching cycle for the particular application after it is deemed complete.

Section 2. Criteria. In determining whether to issue or deny a certificate of need the hearing officers shall utilize the following criteria:

(1) Consistency with plans. To determine conformance with this

criterion, the applicant shall address and the hearing officers shall consider the relationship of the proposal to the state health plan.

(2) Need and accessibility. To determine conformance with this criterion, the applicant shall address and the hearing officers shall consider:

(a) The need that the population served or to be served has for the services proposed to be offered or expanded, and the extent to which all residents of the area, and in particular low income persons, racial and ethnic minorities, women, handicapped persons and other underserved groups are likely to have access to those services.

(b) The contribution of the proposed service to meeting the health-related needs of members of medically underserved groups which have traditionally experienced difficulties in obtaining equal access to health services (for example, low income persons, racial and ethnic minorities, women and people with disabilities), particularly those needs identified in the state health plan. In this regard, the hearing officers shall consider:

1. The extent to which medically underserved populations currently use the applicant's services in comparison to the percentage of the population in the applicant's service area which is medically underserved, and the extent to which medically underserved populations will use the proposed services if approved.

2. The extent to which the applicant offers alternative means, other than through admission by a physician, by which a person will have access to its services (e.g., admission through a clinic or emergency room).

(c) The effect of the means proposed for the delivery of health services on the clinical needs of health professional training programs in the area in which the services are to be provided.

(d) If proposed health services are to be available in a limited number of facilities, the extent to which the health professions schools in the area will have access to the services for training purposes.

(e) Special needs and circumstances of those entities which provide a substantial portion of their services or resources, or both, to individuals not residing in the health service areas in which the entities are located or in adjacent health service areas. These entities may include medical and other health professions schools, multidisciplinary clinics and specialty centers.

(f) Whether the approval of the proposal will adversely impact the public's access to needed services.

(3) Interrelationships and linkages. To determine conformance with this criterion the applicant shall address and the hearing officers shall consider:

(a) The relationship of the services to be provided to the existing health care system of the area in which the services are proposed to be provided.

(b) The relationship, including the organizational relationship, of the health services proposed to be provided to ancillary or support services.

(c) In the case of health services or facilities proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed.

(4) Costs, economic feasibility, and resource availability. To determine conformance with this criterion the applicant shall address and the hearing officers shall consider:

(a) The availability of less costly or more effective alternative methods of providing the services to be offered, expanded or relocated.

(b) The immediate and long-term financial feasibility of the proposal, as well as the probable impact of the proposal on the costs of and charges for providing health services by the person proposing the service.

(c) The availability of resources (including health personnel, management personnel, and funds for capital and operating needs) for the provision of the services proposed to be provided and the availability of alternative uses of these resources for the provision of other health services.

(d) The impact of the proposal on the financial resources of the overall health care delivery system.

(e) In the case of construction or renovation projects:

1. The costs and methods of the proposed construction or

renovation, including the costs and methods of energy provision; and

2. The probable impact of the construction or renovation project reviewed on the costs of providing health services by the persons proposing the construction or renovation project and on the costs and charges to the public of providing health services by other persons.

(f) The effect of competition on the supply of the health services being reviewed, and whether the approval of the application will unnecessarily increase the cost of health care to the public.

(g) Improvements or innovations in the financing and delivery of health services which foster competition and serve to promote quality assurance and cost effectiveness.

(5) Quality of services. To determine conformance with this criterion the applicant shall address and the hearing officers shall consider the quality of care provided by the applicant in the past or the qualifications of the principals who will provide the health service which would assure that quality care will be provided and any perceivable detrimental effects of the proposal on the quality of similar services in the area.

(6) The hearing officers shall also consider:

(a) Whether the approval of the applicant's proposal will have an adverse impact on the quality of care provided by any person offering the same or similar services in any portion of the applicant's proposed service area due to decreased volume or number of procedures.

(b) Whether the applicant will be able to comply with applicable licensure requirements.

Section 3. Proposed New Use. If a person acquires major medical equipment not located in a health facility without a certificate of need and proposes at any time to use that equipment to serve inpatients of a health care facility, the proposed new use must be reviewed unless the equipment will be used to provide services to inpatients of a health care facility only on a temporary basis in the case of an emergency, a natural disaster, a major accident, or an equipment failure. For the purposes of this section "temporary basis" means on an occasional and irregular basis or until the applicant's proposal for permanent acquisition or regular use by a health care facility is reviewed under the formal or nonsubstantive review process.

Section 4. Review Process. (1) Prior to submitting an application for certificate of need, applicants must first file a letter of intent with the interim office on a form prescribed by the interim office. Letters of intent must be filed at least thirty (30) days prior to filing an application for certificate of need.

(2) A letter of intent is valid for a period of one (1) year. If an application is denied, a new letter of intent must be filed in order to resubmit the application. If an application is withdrawn prior to a final decision, a new letter of intent must be filed.

(3) Upon receipt of a letter of intent, the interim office shall acknowledge receipt of the letter of intent and shall provide the applicant with the appropriate certificate of need application forms and instruction sheets.

(4) An original certificate of need application and four (4) copies shall be filed with the interim office according to the timetable set out in subsection (9) of this section.

(5) Fifteen (15) days after receipt of the application, the interim office shall acknowledge receipt and shall notify the applicant whether or not the application is complete.

(6) If the application is not complete, the notice to the applicant shall give the applicant the option of completing the application by submitting additional information or of notifying the interim office that the applicant elects for the application to be processed as originally submitted.

(7) Upon receipt of the requested additional information or upon receipt of a letter from the applicant stating that he elects for the application to be processed as originally submitted, the interim office shall deem the application complete and shall give notice of the beginning of review. Applications must be declared complete at least six (6) working days prior to the date of public notice in order to be included in such notice. In order to submit additional information to be made a part of the record after the application has been declared complete, it must be introduced at a public hearing.

(8) The notice of completeness shall include the schedule for the review and the period in which a public hearing may be requested by the applicant and other affected persons. The notice to members of the public and third party payors shall be provided through public information channels. Notice to all other known affected persons shall be by mail.

(9) Batching review cycles shall be as follows:

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TYPE OF PROPOSAL

Applications must be filed
by third Wednesday of:

Month of public notice,
ninety (90) days prior to
decision date

Month of decision, third
Wednesday of:

(a) Acute, psychiatric, rehab, chemical dependency facilities, psychiatric residential treatment facilities and other related components in the SHP (except specialized equipment and services) such as IC/CC, neonatal, and surgical services (including free-standing ambulatory surgical center) and birthing centers.	October, January, April, July	November, May, August February,	February, May, August, November
(b) Skilled nursing, nursing home, intermediate care, personal care, or nursing facility.	November	December	March
(c) Personal care or IC MR/DD	November, May, August February,	December, March, June, September January, July	March, June, September, December April, October
(d) Transplantation, magnetic resonance imaging, lithotripter, radiation therapy, C.T. scanner, cardiac catheterization, open heart surgery, and new technological developments.			
(e) Day health care center, ambulatory care clinic, rehab agency, hospice, home health or home health/hospice.	October, January, May, July	November, June, August February,	February, May, September, November
(f) Ambulance, NE health transportation, and air ambulance services.	November, January, April, June, August	December, May, July, September February,	March, May, August, October, December
(g) All mobile services except those covered under specialized equipment and services.	October, December, February, April, June, August	November, January, March, May, July, September	February, April, June, August, October, December
(h) Any proposals not listed above will be placed in the most appropriate cycle as determined by the interim office.			
(i) Any proposals granted nonsubstantive review status as specified in KRS 216B.095(3)(a)(b)(c)(d)(e)(f) and (g), plus technical modifications (CON) will be processed in accordance with KRS 216B.095(1).			

(10) The interim office shall notify the applicant by certified mail and any party to the proceeding by regular mail of the hearing officers' final action on a certificate of need application.

(11) The written notification shall include:

(a) Verification that the criteria have been met or, if the application is inconsistent with any criteria, the reasons for approval notwithstanding the inconsistency;

(b) Amount of capital expenditure authorized, where applicable;

(c) If the application is disapproved, the reasons for the disapproval; and

(d) Notice of appeal rights.

(12) All applications not declared complete with a year from the date of filing shall expire and shall not be reviewed.

(13) If an application for certificate of need is disapproved, it may not be refiled for a period of twelve (12) months, absent a showing of a significant change in circumstances.

Section 5. Certificate of Need Hearings. (1) Notice of the date, time and location of the hearing shall be mailed to all known affected persons at least ten (10) days before the date of the hearing. Notice to third party payors and members of the public shall be provided through public information channels.

(2) Hearing requests may be withdrawn by written request filed at least three (3) working days in advance of the scheduled hearing date. In order for a public hearing to be cancelled, all persons who requested the hearing must agree in writing to cancellation.

(3) The hearing officers may conduct prehearing conferences to resolve issues not in dispute or not requiring an evidentiary record and may issue prehearing orders which shall determine the form and

the manner in which the evidentiary hearing is conducted.

(4) The hearing officer may by prehearing order require the following to be filed with the interim office by all affected persons within a reasonable time prior to the public hearing:

(a) An entry of appearance on a form prescribed by the interim office.

(b) Witness lists on a form prescribed by the interim office.

(c) An exhibit list on a form prescribed by the interim office.

(d) One (1) copy of any exhibit that will be submitted for introduction into the record at the public hearing.

(5) The hearing officers may place reasonable time limits upon the presentation of testimony, evidence and argument, and may terminate or exclude irrelevant or redundant evidence, testimony or argument.

(6) There shall be no prehearing discovery allowed of any affected person by any affected person, other than the exchange of exhibits.

(7) The record on any certificate of need application shall be closed for evidentiary purposes upon completion of the public hearing and may be reopened only upon order of the hearing officers.

(8) Upon completion of a public hearing, parties to the proceedings may submit proposed findings of fact and conclusions of law for consideration by the hearing officers, within reasonable time limits set by the hearing officers.

Section 6. Request for Reconsideration. The hearing officers shall act upon request for reconsideration no later than thirty (30) days following receipt of such requests. If reconsideration is granted, a reconsideration hearing shall be held within thirty (30) days of the

decision to grant reconsideration, and a final decision shall be made no later than thirty (30) days following the reconsideration hearing.

Section 7. Nonsubstantive Review. (1) In addition to the projects specified in KRS 216B.095(3)(a) through (f), if a proposal described below requires certificate of need approval, it will be granted nonsubstantive review status:

- (a) Technical modifications to an approved certificate of need.
- (b) Emergency circumstances which, if not promptly acted upon, would pose a threat to the life, health and safety of any citizen of the Commonwealth. Emergency circumstances shall include acts of God, fire, vandalism, structural or mechanical failure and other situations which pose a life, health or safety threatening circumstance. Any applicant acting under this subsection may proceed to relieve any of the above listed emergency circumstances provided the office is notified in writing prior to such action and provided the application is submitted within thirty (30) days of the occurrence of the emergency.
- (c) New construction which does not involve a substantial change in beds, a substantial change in a health service, or the addition of major medical equipment.
- (d) Applications proposing the use of existing mobile services and equipment to provide health care access in unserved geographic areas of the Commonwealth.
- (e) Applications proposing the use of existing mobile services to provide health care access for which the Kentucky General Assembly has specifically appropriated funds.
- (2) Procedures for nonsubstantive review shall be as follows:
 - (a) The original certificate of need application and four (4) copies, with a request for nonsubstantive review shall be submitted to the interim office.
 - (b) Within fifteen (15) days of the receipt of the application, the interim office shall acknowledge receipt of the application in writing to the applicant, and shall notify the applicant whether or not the application is complete.
 - (c) If the application is not complete, the notice to the applicant shall give the applicant the option of submitting the additional information or of notifying the interim office upon receipt of the request for additional information, that he elects for the application to be processed as originally submitted.
 - (d) Upon receipt of the requested additional information by the interim office, or upon receipt of a letter from the applicant that he elects for the application to be processed as originally submitted, the interim office shall declare the application to be deemed complete.
 - (e) The hearing officers' decision to grant or deny nonsubstantive review status shall be provided to the applicant and notice of the decision to conduct a nonsubstantive review shall be provided to other affected persons by mail no later than the tenth day after the application has been deemed complete. The notice of the review to members of the public and third party payors shall be provided through public information channels.
 - (f) If nonsubstantive review status is denied, the applicant may request a public hearing by filing a request with the interim office within ten (10) days of the notice to deny nonsubstantive review. As applicable, hearings shall be conducted as provided by KRS 216B.085.
 - (g) If a certificate of need is denied following a nonsubstantive review and a formal review is requested, no letter of intent shall be required, but the filing of the request for nonsubstantive review shall be considered compliance with any requirement for a letter of intent.

Section 8. Conditions Relative to a Certificate of Need. (1) No person shall transfer from one (1) legal applicant to another an approved certificate of need for the establishment of a new health facility or the replacement of an existing facility without first obtaining a certificate of need. All other certificates of need may be transferred to the new owner of the facility or service if a change of ownership occurs prior to the implementation of the project for which the certificate of need was issued.

(2) A certificate of need approved for establishment of a new health facility or the replacement of an existing facility is issued only for the location stated on the certificate.

(3) A certificate of need holder shall notify the interim office of any reduction or termination of a health service or a reduction in bed capacity for an approved project no later than the first progress report after the decision to make the change has been determined.

Section 9. Administrative Cost Escalations and Overruns. (1) A certificate of need shall be required for an escalation or cost overrun of the capital expenditure authorized by an approved certificate of need in all instances where there is a substantial change in the project, or where the escalation or overrun exceeds the following limits:

- (a) Twenty (20) percent of the capital expenditure authorized or \$100,000, whichever is greater, in the case of projects with a capital expenditure of less than \$500,000;
- (b) Twenty (20) percent of the capital expenditure authorized, in the case of projects with a capital expenditure of \$500,000 or greater, but less than \$5,000,000;
- (c) Ten (10) percent of the amount in excess of \$5,000,000, plus \$1,000,000, in the case of projects with a capital expenditure of \$5,000,000 or greater, but less than \$25,000,000;
- (d) Five (5) percent of the amount in excess of \$25,000,000, plus \$3,000,000, in the case of projects with a capital expenditure of \$25,000,000 or greater, but less than \$50,000,000; or
- (e) Two (2) percent of the amount in excess of \$50,000,000, plus \$4,250,000 in the case of projects with a capital expenditure of \$50,000,000 or greater.

(2) Requests for administrative cost escalations or overruns shall be submitted to the interim office, on a form prescribed by the interim office. Such requests shall include the amount of the escalation or overrun, the factors causing the escalation or overrun, and information to assure that the scope of the project as originally approved has not changed. The hearing officers shall review all requests for administrative cost escalations and overruns and the interim office shall notify the certificate of need holder within thirty (30) days of receipt whether the requested escalation or overrun meets the requirements of subsection (1) of this section.

(3) The certificate of need holder shall submit any additional certificate of need application fee required by the increased capital expenditure pursuant to the requirements of 902 KAR 20:135.

(4) A certificate of need holder who obligates an amount exceeding the capital expenditure authorized without receiving an approved escalation per subsection (1) of this section is subject to the appropriate penalty per KRS 216B.990.

Section 10. Timetables and Standards for Implementation. (1) As one (1) of the conditions for issuance of a certificate of need, all certificate of need holders shall submit a report of progress on a form prescribed by the interim office according to the timetables and standards set forth below or more frequently if required by the interim office. The hearing officers may revoke the certificate of need, or portions thereof, for failure to submit reports as required.

(2) Certificate of need holders shall be sent notice specifying the date each progress report is due.

(3) The first progress report shall be due six (6) months from the date the certificate was issued and shall include the following:

(a) On all projects for purchase of equipment only, a copy of the purchase order.

(b) For all construction projects, a copy of the deed or the option to acquire the site.

(4) A second progress report shall be due twelve (12) months from the date of the certificate of need was issued and shall include documentation that:

- (a) All projects for conversion of beds are complete;
- (b) All projects for addition of new services, not involving construction, are complete;
- (c) Schematic plans have been submitted to the Department of Housing, Buildings and Construction and the Cabinet for Human Resources for construction projects.

(5) The second progress report for all construction projects shall also include:

- (a) Schedule for project completion with projected dates;

- (b) Evidence of preliminary negotiation with financial agent;
- (c) Evidence of preliminary negotiation with contractors.
- (6) Within eighteen (18) months after a certificate of need has been issued, a third progress report shall be submitted which shall include the following information regarding all construction projects:
 - (a) Copy of deed or lease of land;
 - (b) Evidence that the holder has sufficient capital obligated to complete the project. If the source of capital is to be a financing agreement, the holder must have evidence that a final enforceable agreement or note has been executed;
 - (c) Documentation that final plans have been submitted to the Department of Housing, Buildings and Construction and the Cabinet for Human Resources;
 - (d) Enforceable contract with construction contractor;
 - (e) On all projects for purchase of equipment only, evidence that equipment has been installed.
- (7) Within two (2) years after a certificate of need has been issued, a fourth six (6) month report shall be submitted which shall verify that all construction projects have the walls and roof up and plumbing roughed in.
- (8) Within six (6) months following completion of a project for which a certificate of need has been issued for a specific service area, all certificate holders shall submit documentation that services are being provided to all of the licensed service area. Failure to provide such documentation shall constitute grounds for revocation of the certificate of need as to those areas for which the holder has not been licensed.

Section 11. Advisory Opinions. The process for seeking an advisory opinion from the hearing officers shall be as follows:

- (1) Requests for advisory opinions shall be made, in writing, on a form prescribed by the interim office.
- (2) The hearing officers may require verification of information and may request additional documentation, if necessary.
- (3) The hearing officers shall issue a written advisory opinion within thirty (30) days of receipt of a completed request for an opinion or of receipt of additional information.

GREG LAWTHOR, Acting Executive Director
 LEONARD E. HELLER, Secretary
 APPROVED BY AGENCY: June 30, 1992
 FILED WITH LRC: July 10, 1992 at 3 p.m.

STATEMENT OF EMERGENCY
 902 KAR 45:110E

Emergency regulation 902 KAR 45:110E is necessary in order to implement the provisions of HB 468 by amending the current environmental health regulation. In order to eliminate unnecessary duplication other timely and necessary amendments to this regulation have been included. An ordinary administrative regulation amendment cannot be in effect in time to meet the effective date of July 1, 1992, for HB 468, which increases state permit and/or inspection service fees. The emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A. The ordinary administrative regulation was filed with the Regulations Compiler for the June, 1992, filing.

BRERETON C. JONES, Governor
 LEONARD E. HELLER, Secretary

CABINET FOR HUMAN RESOURCES
 Department for Health Services
 Division of Local Health

902 KAR 45:110E. Permits and fees for retail food establishments, food manufacturing plants, food storage warehouses, salvage processors and distributors, and vending machine companies.

RELATES TO: KRS 217.025, 217.035, 217.037, 217.125(2), (3), (4), 217.811

STATUTORY AUTHORITY: KRS 194.050, 217.125(2), (3), (4), 217.811, HB 468, Part I, G. 52, g. of the 1992 GA, p. 63 (appropriation) p. 65 (fee authority) [HB 799 of the 1990 GA]

EFFECTIVE: June 30, 1992

NECESSITY AND FUNCTION: KRS 217.125(2), 217.811, and HB 468 [799] authorize the Secretary of Human Resources to provide by administrative regulation a schedule of reasonable fees to be paid by food manufacturing plants, food storage warehouses, retail food establishments, salvage distributors, salvage processing plants, and vending machine companies for permits to operate and inspectional activities carried out by the Cabinet for Human Resources. This administrative regulation sets forth the fee to be charged.

Section 1. Fees. (1) Permit fees are required for inspections conducted by the cabinet or its representatives to determine compliance with administrative regulations adopted by the cabinet for salvage distributors and salvage processing plants, and to determine compliance with KRS 217.025, 217.035 and 217.037 applicable to food manufacturing plants and food storage warehouses. A fee according to the total square footage of the establishment shall be assessed as follows: ~~not to exceed the total amount of \$300 per year shall be assessed~~.

0 - 5,000 square feet - \$60 [60].

5,001 - 30,000 square feet - \$110 [100].

30,001 ~~30,000~~ - and over square feet - \$210 [200].

(2) With respect to retail food stores, for inspections conducted by the cabinet or its representative to determine compliance with administrative regulations adopted by the cabinet pertaining to adulteration, misbranding, packaging and labeling of food products pursuant to KRS 217.025, 217.035, 217.037 and 217.125(2), a fee according to the total square footage of the establishment shall be assessed as follows: ~~not to exceed the sum of seventy (70) dollars per year, shall be assessed~~.

0 - 1,000 square feet - \$20 [40].

1,001 - 10,000 square feet - \$40 [30].

10,001 - and over square feet - \$70 [60].

(3) With respect to vending machine companies, each application for a permit to operate shall be accompanied by a fee of twenty (20) ~~eighteen (18)~~ dollars for each vending commissary plus a fee for the total number of vending machines operated by the applicant as follows:

1-25 machines	Fee	\$ 80 [70]
26-50 machines	Fee	\$120 [110]
51-100 machines	Fee	\$160 [150]
101-150 machines	Fee	\$190 [180]
151 and over machines	Fee	\$310 [300]

(4) With respect to food service establishments, each application for a permit to operate shall be accompanied by a fee of forty-five (45) ~~thirty-five (35)~~ dollars plus the following:

(a) Permanent food service establishments with no seats or twenty-five (25) seats or less - forty-five (45) ~~forty (40)~~ dollars per year.

(b) Permanent food service establishments with twenty-six (26) to fifty (50) seats - sixty-five (65) ~~sixty (60)~~ dollars per year.

(c) Permanent food service establishments with more than fifty (50) seats - seventy-five (75) ~~seventy (70)~~ dollars per year.

(5) With respect to temporary food service establishments, each application for a permit to operate shall be accompanied by a fee of

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twenty (20) [eighteen (18)] dollars.

Section 2. Payment of Fees. Payment of fees shall be made to the local health department having jurisdiction. Fees received by local health departments shall be deposited in the Kentucky State Treasury.

Section 3. Exemptions. State and local government agencies shall be exempt from the payment of fees.

[Section 4. Effective Date. The fees set out in Section 1(1), (2), and (3) of this regulation shall become effective January 1, 1991 for existing establishments.]

PATRICIA K. NICOL, M.D., Acting Commissioner
LEONARD E. HELLER, Secretary
APPROVED BY AGENCY: June 11, 1992
FILED WITH LRC: June 30, 1992 at 9 a.m.

STATEMENT OF EMERGENCY 902 KAR 45:120E

Emergency regulation 902 KAR 45:120E is necessary in order to implement the provisions of HB 468 by amending the current environmental health regulation. In order to eliminate unnecessary duplication other timely and necessary amendments to this regulation have been included. An ordinary administrative regulation amendment cannot be in effect in time to meet the effective date of July 1, 1992, for HB 468, which increases state permit and/or inspection service fees. The emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A. The ordinary administrative regulation was filed with the Regulations Compiler for the June, 1992, filing.

BRERETON C. JONES, Governor
LEONARD E. HELLER, Secretary

CABINET FOR HUMAN RESOURCES Department for Health Services Division of Local Health

902 KAR 45:120E. Inspection fees; permit fees; hotels, mobile home and recreational vehicle parks.

RELATES TO: KRS 219.021 [219.034], 219.041, 219.340 [219.330], 219.350

STATUTORY AUTHORITY: KRS 194.050, 219.021, 219.041[(4)], 219.340, 219.350, HB 468 Part I, G. 52, g. of the 1992 GA p. 63 (appropriation) p. 65 (fee authority) [HB 799 of the 1990 GA]

EFFECTIVE: June 30, 1992

NECESSITY AND FUNCTION: KRS 194.050, 219.041[(4)] and HB 468 [799] authorize the Secretary for Human Resources to provide by administrative regulation a schedule of reasonable fees to be paid by hotels, mobile home and recreational vehicle parks to cover the cost of inspection activities carried out by the Cabinet for Human Resources. This administrative regulation is to set forth the fees to be charged.

Section 1. Fees for Inspections. For inspections conducted by the cabinet or its representative to determine compliance with administrative regulations adopted by the cabinet pursuant to KRS 219.041, hotels shall be subject to the payment of the following fees:

(1) Hotels with twenty-five (25) rooms or less - forty (40) [thirty-five (35)] dollars per year.

(2) Hotels with twenty-six (26) rooms or more - seventy-five (75) [seventy (70)] dollars per year.

Section 2. Permit Fees for Hotels and Mobile Home and Recreational Vehicle Parks. (1) Each application for an annual permit to operate a hotel, shall be accompanied by a fee as follows: Hotels -

forty-five (45) [thirty-five (35)] dollars per year.

(2) Each application for an annual permit to operate a mobile home or recreational vehicle park shall be accompanied by a fee as follows:

(a) Mobile home or recreational vehicle park with ten (10) spaces or less - eighty (80) [seventy (70)] dollars.

(b) Parks with more than ten (10) spaces - \$120 [110].

(3) Each application for a permit to construct or alter a mobile home or recreational vehicle park shall be accompanied by a fee of thirty-five (35) dollars.

Section 3. Payment of Fees. (1) Fees shall be paid to the local health department having jurisdiction. Fees received by local health departments shall be deposited in the Kentucky State Treasury. Inspection fees shall be submitted with the application for a permit to operate as required by KRS 219.021 or 219.340 as applicable.

Section 4. Exemptions. All facilities operated by the Cabinet for Human Resources or the Corrections Cabinet shall be exempt from the payment of inspection fees.

PATRICIA K. NICOL, M.D., Acting Commissioner
LEONARD E. HELLER, Secretary
APPROVED BY AGENCY: June 11, 1992
FILED WITH LRC: June 30, 1992 at 9 a.m.

STATEMENT OF EMERGENCY 903 KAR 5:270E

Under KRS the administrative body is required to implement this regulation in order to have sufficient authority for the declaring of a maximum benefit rate. Therefore, in order to properly establish a maximum weekly unemployment insurance rate for the year beginning July 1, 1992, the Cabinet for Human Resources needs to implement this emergency regulation. An ordinary administrative regulation will not suffice because the correct weekly benefit amount would not be declared in a timely manner. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A. The ordinary administrative regulation will be filed with the Regulations Compiler prior to June 15, 1992.

BRERETON C. JONES, Governor
LEONARD E. HELLER, Secretary

CABINET FOR HUMAN RESOURCES Department for Employment Services Division of Unemployment Insurance

903 KAR 5:270E. Maximum weekly benefit rates.

RELATES TO: KRS 341.380

STATUTORY AUTHORITY: KRS 194.050, 341.380

EFFECTIVE: June 30, 1992

NECESSITY AND FUNCTION: KRS 341.380 requires the Secretary for Human Resources to determine the average weekly wage for insured employment. Fifty-five (55) percent of this amount adjusted to the nearest multiple of one (1) dollar constitutes the maximum weekly unemployment insurance benefit rate for those workers whose benefit year commences on or after July 1, 1992 [1994], and prior to July 1, 1993 [1992]. This regulation applies the mathematical computation required by statute and contains the determination of the maximum weekly benefit rate.

Section 1. The secretary finds the following to exist:

(1) The "total monthly employment" reported by subject employers for the calendar year of 1991 [1990] was 16,432,030 [16,400,304];

(2) The "average monthly employment," obtained by dividing the total monthly employment by twelve (12), was 1,369,336 [1,366,692];

(3) The "total wages" reported by subject employers for the calendar year of 1991 [1990] was \$28,082,939,030 [27,005,770,439];

(4) The "average weekly wage" for the calendar year of 1991 [1990] for insured employment, obtained by dividing the average monthly employment into total wages for such year and dividing by fifty-two (52), was \$394.39 [380];

(5) Fifty-five (55) percent of the average weekly wage of \$394.39 [380] for the calendar year of 1991 [1990] was \$216.91 [209].

Section 2. On the basis of the above findings, and in accordance with KRS 341.380(3), the maximum weekly benefit rate for those workers whose benefit year commences on or after the first day of July, 1992 [1991], and prior to the first day of July, 1993 [1992], is determined to be \$217 [209].

MARGARET WHITTET, Commissioner

LEONARD E. HELLER, Secretary

APPROVED BY AGENCY: June 18, 1992

FILED WITH LRC: June 30, 1992 at 9 a.m.

STATEMENT OF EMERGENCY

904 KAR 2:006E

This emergency administrative regulation implements a federal clarification relating to AFDC eligibility of married children living with their spouse in the home of the child's parents. These children are considered deprived of parental support and may be eligible for AFDC payments if all other requirements are met. This is a compliance issue which must be implemented as quickly as possible to avoid fiscal sanctions. This emergency administrative regulation expands the types of participants who may volunteer to participate in the JOBS Program to include both exempt and nonexempt participants. This is also a compliance issue, mandated by federal regulations. This emergency administrative regulation deletes work supplementation as a JOBS component as a cost saving measure to the program. The budget for state fiscal year 1993 has no funds budgeted for this component. This emergency administrative regulation adds more flexibility and consistency to self-initiated activities as compared to other JOBS activities. It also allows more flexibility in measuring educational progress so that institutions may test as they deem necessary. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler for the July 1992 filing.

BRERETON C. JONES, Governor

LEONARD E. HELLER, Secretary

CABINET FOR HUMAN RESOURCES

Department for Social Insurance

Division of Management & Development

904 KAR 2:006E. Technical requirements; AFDC.

RELATES TO: KRS 205.010, 205.200(2), (3), 45 CFR 205.52, 205.10, 232.11-12, 232.40-48, 233.10, 233.40, 233.50, 45 CFR 233.90, 233.100, 250, "Expansion of Definition of Specified Caretaker Relative", Transmittal No. ACF-AT-91-33 (December 12, 1991), U.S. Department of Health and Human Services, Administration for Children & Families, Office of Family Assistance

STATUTORY AUTHORITY: KRS 194.050, 205.200(2), (3)

EFFECTIVE: July 10, 1992

NECESSITY AND FUNCTION: The Cabinet for Human Resources has the responsibility under the provisions of KRS Chapter 205 to administer the assistance program of Aid to Families with Dependent Children (AFDC). KRS 205.200(2) requires that the conditions of eligibility to receive AFDC money grants be prescribed by regulations in conformity with 42 USC 602 and federal regulations. This regulation sets forth the technical requirements of residence, deprivation, living with a relative, age, one (1) category of assistance, work registration, job opportunities and basic skills (JOBS) program participation, cooperation in child support enforcement activities and

potential entitlement for other programs for eligibility for AFDC.

Section 1. Definitions. (1) "Assessment" means the ongoing evaluation of an individual's educational and vocational potential.

(2) "Barriers" are any hardships the individual shall overcome to participate in education, training or employment.

(3) "Case manager" means the Department for Social Insurance (DSI) individual who:

(a) Determines ongoing AFDC or medical assistance (MA) or food stamp (FS) eligibility and benefit levels for all case action in the household of a JOBS participant;

(b) Aids the JOBS participant by brokering services for the participant;

(c) Identifies and resolves barriers to the extent possible; and

(d) Delivers JOBS related services to the participant.

(4) "Conciliation" is a process in which participation problems in the JOBS program can be resolved.

(5) "JOBS" means a program which assists recipients of AFDC in obtaining the necessary education and training that will lead to gainful employment and self-support.

(6) "Target population" means that group composed of each individual who:

(a) Is receiving AFDC, and who has received AFDC for any thirty-six (36) of the sixty (60) months immediately preceding the most recent month for which application has been made;

(b) Makes application for AFDC and has received AFDC for any thirty-six (36) of the sixty (60) months immediately preceding the most recent month for which application has been made;

(c) Is a custodial parent under the age of twenty-four (24) who:

1. Has not completed a high school education and, at the time of application for AFDC, is not enrolled in high school or a high school equivalency course of instruction; or

2. Had little or no work experience in the preceding year; or

(d) Is a member of a family in which the youngest child is within two (2) years of being ineligible for AFDC because of age.

Section 2. Residence and Citizenship. (1) Residence. A resident is anyone who:

(a) Is living in the state;

(b) Entered the state with a job commitment or seeking employment; and

(c) Is not receiving AFDC benefits from another state.

(2) Citizenship. AFDC shall be provided only to:

(a) Citizens;

(b) Aliens lawfully admitted for permanent residence; or

(c) Aliens otherwise permanently residing in the United States under color of law.

Section 3. Deprivation. (1) To be eligible for AFDC, a child shall be in need and shall be deprived of parental support of a natural or adoptive parent or care due to:

(a) Death;

(b) Continued absence from the home;

(c) Physical or mental incapacity; or

(d) Effective October 1, 1990, unemployment.

~~(2) A married child living with his spouse in the home of his parents is not deprived of parental support or care.~~

~~(3) A married child living in the home of his parents but divorced or legally separated from his spouse is deprived of parental support if he is dependent on the parent and a parent is:~~

~~(a) Dead;~~

~~(b) Incapacitated;~~

~~(c) Unemployed; or~~

~~(d) Continually absent from the home.~~

~~(2) [(4)] Continued absence from the home.~~

(2) To be eligible for AFDC, a needy child shall be physically separated from the parent and:

1. The nature of the absence of the parent interrupts or terminates the parent's functioning as a provider of maintenance, physical care, or guidance for the child; and

2. The known or indefinite duration of absence precludes counting

on the parent's performance of his function in planning for the present support or care of the child.

(b) Absence may be voluntary or involuntary.

1. Voluntary absence includes:

- a. Divorce;
- b. Legal separation;
- c. Marriage annulment;
- d. Desertion of thirty (30) days or more;
- e. Forced separation of seven (7) days or more; or
- f. Birth out-of-wedlock.

2. Involuntary absence includes:

- a. Commitment to a penal institution for thirty (30) days or more;
- b. Long-term hospitalization;
- c. Deportation; or
- d. Single parent adoption.

(c) A parent who is a convicted offender but is permitted to live at home while serving a court-imposed sentence by performing unpaid public work or unpaid community service during the workday is considered absent from the home.

(3) [(6)] Incapacity.

(a) All determinations regarding whether a child has been deprived of parental support or care by reason of the physical or mental incapacity of a natural or adoptive parent shall be in conformance with federal regulations and the criteria set forth in this subsection.

(b) Each determination shall be based on a full consideration and assessment of all medical, social, and economic factors involving a particular claimant.

(c) If a verified medical condition exists, then all relevant social and economic factors shall be considered to determine whether the parent's condition is the cause of and results in a parent's inability to support or care for the child.

1. Incapacity exists in each case when the following criteria are met:

a. It is medically determined that one (1) parent has a physical or mental defect, illness or impairment which was:

(i) Present at the time of application; and

(ii) Which has continued or is expected to last for a period of at least thirty (30) calendar days. This may include a period in which the claimant is undergoing planned diagnostic studies or evaluation of rehabilitation potential; and

b. It is determined by nonmedical evaluation that such defect, illness or impairment is debilitating to the extent of reducing substantially or eliminating the parent's ability to support or care for an otherwise eligible child.

2. Factors to be considered in making the medical determination shall include:

a. The claimant's medical history and subjective complaints regarding an alleged physical or mental defect, illness or impairment; and

b. Competent medical testimony relevant to:

(i) Whether a physical or mental defect, illness or impairment exists;

(ii) Whether the defect, illness or impairment is enough to reduce the parent's ability to support or care for a child; and

(iii) Whether the defect, illness or impairment is likely to last thirty (30) days. The thirty (30) days is not intended to be a "waiting period." Rather, expected duration is pertinent to causal relationship and substantiality.

3. Factors to be considered in making the nonmedical evaluation shall include:

a. The claimant's:

(i) Age;

(ii) Employment history;

(iii) Vocational training;

(iv) Educational background; and

(v) Subjective complaints regarding the alleged effect of the physical or mental condition on the claimant's ability to support or care for the child; and

b. The extent and accessibility of employment opportunities available in the claimant's area of residence.

4. In determining the extent and accessibility of available employment opportunities, the limited employment opportunities of handicapped individuals shall be taken into account; and

a. Available printed materials that provide information regarding available employment opportunities shall be researched;

b. The local Department for Employment Service (DES) office shall be contacted regarding accessible employment opportunities within the claimant's area of residence; and

c. The claimant shall be referred, if necessary, for further appraisal of his abilities.

5. A written report shall be made of the determination under this subsection.

6. Each claimant shall be provided timely and adequate notice of and an opportunity for a fair hearing as provided in 904 KAR 2:055.

(4) [(6)] Unemployment. The determination that a child is deprived of parental support due to the unemployment of a parent shall be based on the determination that the principal wage earner meets the criteria of unemployment and has a prior labor market attachment.

(a) Principal wage earner (PWE). The PWE is the parent who earned the greater amount of income in the twenty-four (24) months immediately preceding the month of application.

1. If the agency is unable to secure primary evidence of earnings to determine which parent is the PWE, the agency shall designate the PWE using the best evidence available.

2. If both parents earned identical amounts of income, or no income, the agency shall designate the parent meeting the criteria of unemployment, as specified in subsection (4)(b) of this section.

3. Earnings of each parent shall be considered in determining the PWE regardless of when their relationship began.

4. PWE designation shall remain with the same parent as long as assistance is received on the basis of the same application.

(b) Unemployment. A parent shall be considered to be unemployed if:

1. Employed less than 100 hours in a calendar month; or

2. Employment exceeds 100 hours in a particular month, but the work is intermittent and the excess is of a temporary nature. This would be evidenced by the fact that the parent was under the 100 hour standard in the prior two (2) months and is expected to be under the 100 hour standard in the following month.

(c) Prior labor market attachment (PLMA).

1. PLMA is met if the parent:

a. Earned not less than fifty (50) dollars during each of six (6) or more calendar quarters ending on March 31, June 30, September 30 or December 31, within any thirteen (13) calendar quarter period ending within one (1) year of the application;

b. Within twelve (12) months prior to application, received unemployment compensation; or

c. Is currently receiving unemployment compensation or if potentially eligible, has made application for and complies with the requirements to receive unemployment insurance benefits.

2. In determining whether or not criteria in subsection (4)(c)1a of this section is met, the following shall be taken into consideration:

a. Participation in CWEP or WIN prior to October 1, 1990, and in JOBS after October 1, 1990, shall be considered as earning an income in determining PLMA.

b. Full-time attendance, as defined by the school or institution, in educational activities may be substituted for two (2) of the six (6) calendar quarters.

c. Gross income from self-employment and farming qualify as earned income in determining prior labor market attachment. The self-employed individual does not have to realize a profit to meet this requirement.

(d) Restrictions. Unemployment shall not exist if the PWE:

1. Is on strike;

2. Is temporarily unemployed:

a. Due to weather conditions or lack of work;

b. If there is a job to return to; and

c. Return can be anticipated within thirty (30) days or at the end of a normal vacation period;

3. Is unavailable for full-time employment;

4. Is under contract for employment, unless a written statement

from the employer verifies that the individual is subject to release from the contract if full-time employment is secured;

5. Has not met the criteria of unemployment for at least thirty (30) days;

6. Has not applied for unemployment benefits, if potentially eligible;

7. Is not:

- a. Registered for work under Section 8 of this regulation; or
- b. Subject to JOBS, under Section 9 of this regulation; or

8. Has refused a bona fide offer of employment or training for employment without good cause in the thirty (30) days prior to AFDC-UP eligibility or during the course of receipt of AFDC-UP benefits. Good cause exists if criteria specified in 904 KAR 2:016, Section 4(4)(a)1, 2, 3, or 4 is met.

Section 4. Living with a Specified Relative. To be eligible for AFDC a needy child shall be living in the home of a relative as follows:

(1) A blood relative, including father, mother, grandfather, grandmother, brother, sister, uncle, aunt, nephew, niece, first cousin and first cousin once removed.

(2) Also relatives of the half-blood and preceding generations as denoted by prefixes of grand, great, great-great or great-great-great; a stepfather, stepmother, stepbrother, stepsister.

(3) Any person listed above if parent has had paternity established through the administrative determination process. An administrative determination of paternity is limited to situations in which the following types of evidence are present:

(a) A birth certificate listing the alleged parent; or

(b) Legal documents such as:

- 1. Hospital records;
- 2. Juvenile court records;
- 3. Wills; and

4. Other court records which clearly indicate the relationship of the alleged parent or relative; or

(c) Receipt of statutory benefits as a result of the alleged parent's circumstances; or

(d) A sworn statement or affidavit of either parent acknowledging paternity plus one (1) of the following:

- 1. School records;
- 2. Bible records;
- 3. Immigration records;
- 4. Naturalization records;
- 5. Church documents, such as baptismal certificates;
- 6. Passport;
- 7. Military records;
- 8. U.S. Census records; or

9. Sworn statement or affidavit from an individual having specific knowledge about the relationship between the alleged parent and child.

(e) Rebuttal of paternity.

1. Effective April 1, 1987, in cases in which the parent or, in the absence of the parent, the caretaker relative alleges the evidence present in paragraphs (a) or (b) of this subsection is erroneous and provides substantiation of the erroneous information, the parent or caretaker relative shall provide a sworn statement or affidavit acknowledging the erroneous information and containing the correct information on the actual alleged parent.

2. Presence of the sworn statement or affidavit will serve as rebuttal to the evidence present in paragraphs (a) or (b) of this subsection and a determination of paternity will not be acknowledged.

(4) Adoptive parents as well as the natural and other legally adopted children and other relatives of such parents.

(5) Husband or wife of any persons listed above even if the marriage may have terminated, providing termination occurred after the birth of the child.

(6) If the parent continues to exercise control over the child, a child is considered as living in the home even when temporarily absent for:

- (a) Medical care;
- (b) Attendance at boarding school;

- (c) College or vocational school;
- (d) Emergency foster care; or
- (e) Short visits with friends or relatives.

Section 5. Age and School Attendance. (1) A child may be eligible for AFDC from birth to age eighteen (18).

(2) A child may be eligible to age nineteen (19) if:

- (a) A full-time student in a secondary school; or
- (b) The equivalent level of vocational or technical training; and
- (c) Expected to complete the program prior to or during the month of their 19th birthday.

(3) Full- and part-time is defined in 904 KAR 2:016, standards for need and amount; AFDC.

(4) Unless he has indicated an intention not to reenter school, a child is considered in regular attendance in months in which he is not attending because of:

- (a) Official school or training program vacation;
- (b) Illness;
- (c) Convalescence; or
- (d) Family emergency.

Section 6. One Category of Assistance. (1) A child or adult relative shall not be eligible for AFDC if receiving supplemental security income (SSI).

(2) If a child who receive SSI meets the AFDC requirements of age, deprivation and living in the home of a specified relative, the specified relative may be approved for AFDC if all other eligibility factors are met.

Section 7. Strikers. (1) A family shall be ineligible for benefits for any month in which the natural or adoptive parent, with whom the child is living is, on the last day of such month, participating in a strike; and

(2) No individual shall be considered eligible for benefits for any month if, on the last day of such month, such individual is participating in a strike.

(3) Strike shall be defined to include a strike or other concerted stoppage of work by employees (including a stoppage by reason of expiration of a collective bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees.

Section 8. Work Registration. (1) In a case based on the deprivation of unemployment, the PWE shall register for work with the DES if:

(a) He resides in a non-JOBS county; or

(b) He resides in a JOBS county and is exempt from participation as specified in Section 9(1)(e) of this regulation.

(2) Failure of the PWE to register for work shall result in removal of the needs of the sanctioned individual and the second parent, unless the second parent has volunteered or is participating in JOBS.

Section 9. Job Opportunities and Basic Skills (JOBS) Training Program. (1) Exemptions. Effective October 1, 1990, all AFDC recipients are required to participate in the JOBS program if the program is available in the county of residence unless the recipient:

(a) Is a child who:

1. Is under age sixteen (16); or

2. Attends, full time, an elementary secondary, vocational or technical school (unless he was enrolled in school through the JOBS program);

(b) Is ill and the illness or injury is serious enough to temporarily prevent entry into employment or training;

(c) Is incapacitated to the extent that the physical or mental impairment would prevent the recipient from participating in the JOBS program. This may include a period of recuperation after child birth if prescribed by a woman's physician;

(d) Is sixty (60) years old or older;

(e) Resides in a county which offers the JOBS program but in a location in which travel time to the JOBS activity would exceed two (2) hours round trip by reasonably available public or private transportation, exclusive of time necessary to transport children to and from

a child care facility;

(f) Is needed in the home because another member of the household requires the individual's presence due to illness or incapacity;

(g) Is working at least thirty (30) hours per week;

(h) Is pregnant and the child is expected to be born within the following six (6) month period;

(i) Is the parent or other relative who is personally providing care for a child under age three (3), except as specified in subsection (5)(c) of this section;

(j) Is a full-time VISTA volunteer.

(k) Is the parent or other relative personally providing care for a child under six (6) years of age unless the state IV-agency assures that child care will be guaranteed.

(2) Volunteers. All persons in active JOBS counties ~~[who are exempt]~~ as specified in subsection (1) of this section may volunteer to participate in the JOBS program.

(a) The DSI shall give first priority for JOBS services to volunteers within the target population to be served.

(b) A volunteer who is exempt, as specified in subsection (1) of this section and who stops participating without good cause, shall lose priority status for JOBS services if he volunteers at a later time.

(c) A volunteer who is not exempt and who stops participating without good cause shall be subject to sanctions, as specified in subsection (10) of this section.

(3) Components. All JOBS counties shall offer the following services and activities:

(a) Education is provided:

1. Below the postsecondary level:

- a. High school or equivalent;
- b. Basic or remedial education; and
- c. English as a second language; or

2. At the postsecondary level if:

a. The occupational assessment indicates that the participant has the aptitude to perform a specific job for which this education and training is required;

b. The participant has or is capable of achieving the basic literacy skills required by the occupation; and

c. Jobs are available in the specific occupation for which education and training is needed.

(b) Job skills training which includes vocational training for a participant in technical job skills and equivalent knowledge and abilities in a specific occupational area.

(c) Job readiness activities that help prepare participants for work by familiarizing them with workplace expectations, attitudes and appropriate behavior.

(d) Job development and job placement activities for soliciting public and private employers' job openings, marketing participants, and securing job interviews for participants.

~~[(4) Optional components. All JOBS counties shall offer]~~

~~(e) Job search which provides group and individual assistance and training with job-seeking activities; [and at least one (1) of the following components:]~~

~~(f) [(a)] On-the-job training in which a JOBS participant is hired by a private or public employer and receives job training or skills essential to the full and adequate performance of that job;~~

~~(g) [(b)] Community work experience program which provides unpaid work experience and training to assist participants to move promptly into regular public or private employment.~~

~~[(e) Work supplementation in which JOBS funds are used to develop and subsidize jobs for AFDC recipients. A participant's AFDC grant shall be reduced and that portion paid to the employer instead of to the participant to subsidize the individual's wages.]~~

(4) [(6)] JOBS participation requirements.

(a) Assessment. When an AFDC recipient has been identified as a JOBS participant, the individual shall be referred to a JOBS case manager. The case manager shall make an assessment of the individual's employability. The assessment shall include consideration of basic skills, work skills, occupational skills, and barriers. The assessment shall be based on:

1. Education, child care and other supportive service needs;

2. The individual's proficiencies, skills deficiencies, and prior work experience;

3. The needs of the family of the participant;

4. Any other relevant factors.

(b) Employability plan. Based on the findings of the assessment, the agency and participant shall jointly develop an employability plan. This plan shall contain:

1. An employment goal for the participant;

2. Services to be provided by the agency (including child care);

3. JOBS activities to be undertaken to achieve the employment goal;

4. Other needs of the family.

(c) Special participation requirements for education.

1. An AFDC parent under age twenty (20) who resides in a JOBS county shall be required to participate in educational activities if:

a. The parent is not otherwise exempt;

b. The parent lacks a high school diploma or has basic skills in reading or math below the 8.9 grade level.

2. For purposes of this requirement, the exemption contained at subsection (1)(i) of this section shall not qualify the participant for exemption from JOBS educational activities.

3. The agency may require a parent aged eighteen (18) or nineteen (19) to participate in work or training activities instead of education if:

a. The parent fails to make good progress in successfully completing educational activities; or

b. Prior to any assignment of the individual to educational activities it is determined, based on an educational assessment and the employment goal established in the individual's employability plan, that participation in educational activities is inappropriate for the parent.

(d) Participation for parents with children under age six (6). Participants with children under age six (6) who are not required to participate in education (as specified in subsection (5)(c) of this section) shall not be required to participate in the JOBS program for more than twenty (20) hours per week.

~~(5) [(6)] Self-initiated JOBS activities. Self-initiated JOBS activities refer to approved activities of individuals who of their own accord began education or training activities. These individuals shall be in good standing at an institution of higher education or school or other entity offering a course of vocational or technical training. Activity below the postsecondary level shall be included if it is determined to be appropriate for the participant's employability plan. Both exempt and nonexempt individuals may be approved for self-initiated education or training for their JOBS activity. The participant shall be attending:~~

~~[(a) At least half time, as defined by the institution;]~~

~~(a) [(b)] A JTPA-funded training program; or [-if in training;]~~

~~(b) [(e)] A public source or private institution that is licensed by the Kentucky Board for Proprietary Education or recognized by the appropriate regulatory agency or licensing body for the state in which the training is located; or~~

~~(c) An associate degree program which will qualify the participant for a recognized occupation; or~~

~~(d) Other education or training which would otherwise be an approved JOBS activity, for example:~~

~~1. GED;~~

~~2. Literacy;~~

~~3. Other approved education [attended less than half time].~~

~~(6) [(7)] Good and satisfactory progress.~~

(a) Each participant in an education or training component shall meet good and satisfactory progress requirements. Good and satisfactory progress criteria for all JOBS educational activities and approved self-initiated education is established by the educational institution. Good and satisfactory progress shall be measured and reported to the DSI at the following intervals:

1. Literacy, adult basic education, or general educational development. Good and satisfactory progress is measured at intervals determined by the educational providers ~~[the end of seventy-five (75) hours or the 12th month of instruction, whichever comes first].~~

2. High school. Good and satisfactory progress shall be measured

at the end of each semester or quarter.

3. Technical. Good and satisfactory progress shall be measured at regularly scheduled intervals, as defined by the institution.

4. Proprietary school. Good and satisfactory progress shall be measured at the end of each regularly scheduled grading period as defined by the institution, never to exceed a twelve (12) month period.

5. College. Good and satisfactory progress shall be measured at the end of a semester or quarter.

6. DES components. Good and satisfactory progress shall be measured on a monthly basis.

(7) [(9)] Conciliation. A conciliatory meeting shall be conducted in the following instances:

(a) At the request of a JOBS participant;

(b) At the request of a component provider; or

(c) When a situation is identified which could result in a sanction (as specified in subsection (10) of this section).

(d) The DSI, the DES, or both agencies jointly shall conduct the conciliatory meetings. During the meetings, the agency shall determine if additional services are needed to assist with JOBS participation. Participation shall be monitored for thirty (30) days following the initial meeting to ensure that the dispute has been resolved. The thirty (30) day period may be extended for an additional thirty (30) days, if necessary.

(e) At the conclusion of the conciliation period, the participant shall be notified in writing of the results of the conciliation.

(8) [(9)] Good cause.

(a) Good cause for noncompliance in the JOBS program or refusal to accept employment shall be found if:

1. The participant is personally providing care for a child under age six (6) and employment or JOBS participation would require the individual to work more than twenty (20) hours per week;

2. Necessary child care is not available;

3. Employment would result in a net loss of cash income;

4. The individual is unable to engage in employment or training for mental or physical reasons including participation in a drug and alcohol rehabilitation program;

5. Unavailability of transportation (including unavailability due to costs which exceed the reimbursement) with no readily accessible alternative means of transportation available;

6. Travel time to the work site or JOBS component site exceeds two (2) hours round trip daily;

7. Illness of another household member requiring the presence of the participant;

8. The participant is temporarily incarcerated;

9. Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs occurs;

10. Work demands or conditions render continued employment unreasonable. Examples are:

a. Consistently not being paid on schedule; or

b. The presence of a risk to the individual's health or safety;

11. Wage rates are decreased subsequent to acceptance of employment;

12. The participant accepts a better job which, because of circumstances beyond the control of the recipient, does not materialize;

13. A household emergency occurs, such as:

a. Death of a member of the immediate family;

b. Entry into a spouse abuse center;

c. Natural disasters;

d. Court appearance;

e. Victim of crime; or

f. Flooded basement; or

14. The participant receives temporary military assignment.

(b) The duration of good cause criteria may vary according to individual circumstances.

(9) [(10)] Sanctions.

(a) When an AFDC recipient fails to comply with the requirements of the JOBS program, he shall be subject to JOBS and AFDC sanctions. Failure to comply shall be found when the participant:

1. Fails without good cause to participate in the required interview, assessment, and employability plan activities;

2. Fails without good cause to participate in the program;

3. Refuses without good cause to accept employment; or

4. Terminates employment or reduces earnings without good cause.

(b) Persons who have failed to comply without good cause shall be sanctioned, as follows:

1. The participant is excluded from JOBS activities and services;

a. For the first failure to comply, until the failure to comply ceases;

b. For the second failure to comply, until the failure to comply ceases, or three (3) months, whichever is longer; and

c. For any subsequent failure to comply, until the failure to comply ceases, or six (6) months, whichever is longer.

2. In determining the amount of the AFDC grant, the agency shall not take into account the needs of the sanctioned individual, beginning with the first administratively feasible month after JOBS sanctions begin. In a case based on unemployment, the agency shall not take into account the needs of the sanctioned individual and the second parent, unless the second parent is participating in JOBS.

3. A sanctioned individual shall participate in a designated activity for two (2) weeks before the failure to comply is considered to have ceased. At that time, the sanctions shall be terminated.

Section 10. Cooperation in Child Support Enforcement Activities.

(1) Inclusion of a specified relative in the AFDC budget is dependent upon his cooperation in child support activities and refusal, except for "good cause," results in ineligibility of the relative with AFDC payments on behalf of the child made to a protective payee.

(2) If, after exclusion from the grant for failure to cooperate, the individual states that he is willing to cooperate and wishes to be reinstated, a supplemental application must be completed. If eligibility criteria are met, the individual will be added to the grant effective with the month of application and the protective payee will be removed.

(3) The Cabinet for Human Resources shall provide written notice to the applicant or recipient that he may claim good cause for refusing to cooperate.

(4) The applicant or recipient shall be determined to have "good cause" for failing to cooperate only when one (1) or more of the following criteria is met:

(a) The applicant or recipient's cooperation is reasonably anticipated to result in physical or emotional harm of a serious nature to the child; or

(b) The applicant or recipient's cooperation is reasonably anticipated to result in physical or emotional harm of a serious nature to himself to such an extent that it would reduce his capacity to care for the child(ren) adequately; or

(c) The child was conceived as a result of incest or forcible rape and the department believes it would be detrimental to the child to require the applicant's or recipient's cooperation; or

(d) Legal proceedings for adoption of the child by a specific family are pending before a court of competent jurisdiction; and the department believes it would be detrimental to the child to require the applicant's or recipient's cooperation; or

(e) The applicant or recipient is being assisted by a public or licensed private social agency to resolve whether to keep the child or release him for adoption and discussion has not gone on for more than three (3) months and the cabinet believes it would be detrimental to the child to require the applicant's or recipient's cooperation.

(5) Specific requirements in determining the existence of good cause and the time limits for providing substantiation of claims are made.

Section 11. Potential Entitlement for other Programs. (1) All applicants or recipients shall apply for and comply with the requirements to receive any benefit if potential entitlement exists.

(2) Failure to apply results in ineligibility for AFDC.

Section 12. Furnishing of Social Security Account Numbers. All applicants or recipients shall furnish social security account numbers.

Section 13. Assignment of Rights to Support. By accepting assistance for or on behalf of a child, a recipient is deemed to have

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made an assignment to the Cabinet for Human Resources of any child support owed for the child not to exceed the amount of AFDC payments made to the recipient.

Section 14. Assignment of Rights to Medical Support. By accepting assistance for or on behalf of a child, a recipient is deemed to have made an assignment to the Cabinet for Human Resources of any medical support owed for the child not to exceed the amount of medical assistance payments made on behalf of the recipient.

Section 15. Material Incorporated by Reference. (1) Forms necessary for participation in the JOBS program are being incorporated effective October 1, 1990.

(2) Material incorporated by reference may be inspected and copied at the Department for Social Insurance, 275 East Main Street, Frankfort, Kentucky 40621. Office hours are 8 a.m. to 4:30 p.m.

MIKE ROBINSON, Commissioner

LEONARD E. HELLER, Secretary

APPROVED BY AGENCY: June 28, 1992

FILED WITH LRC: July 10, 1992 at 3 p.m.

STATEMENT OF EMERGENCY 907 KAR 1:013E

The regulation is being amended to redefine "available" HICAP funds so as to allow additional funds to be reserved for use in other parts of the Medicaid Program as envisioned by the budget act (HB 468). Also, a provision is being added to allow hospitals designated as a primary referral resource for the provision of indigent care to be paid using a negotiated rate. This action must be taken on an emergency basis to implement these changes for the quarter ending June 30, 1992, due to budgetary necessity. This emergency administrative regulation differs from the emergency administrative regulation on the same subject matter that was filed on June 4, 1992, as follows: A provision is being added to allow hospitals designated as a primary referral resource for the provision of indigent care to be paid using a negotiated rate. This emergency administrative regulation shall be replaced by an ordinary administrative regulation filed with the Regulations Compiler on or about July 1, 1992.

BRERETON C. JONES, Governor

LEONARD E. HELLER, Secretary

CABINET FOR HUMAN RESOURCES Department for Medicaid Services

907 KAR 1:013E. Payments for hospital inpatient services.

RELATES TO: KRS 205.520, 205.575, HB 468 part I.G. #52.b.2. of the 1992 GA

STATUTORY AUTHORITY: KRS 194.050, HB 468 part I.G. #52.b.2. of the 1992 GA, 20 CFR 405.402 through 405.488, 42 CFR 440.10, 440.140, 447.250 through 447.280, 42 USC 1396a, b, d, r-4
EFFECTIVE: July 10, 1992

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance. KRS 205.520 empowers the cabinet, by administrative regulation, to comply with any requirement that may be imposed, or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. KRS 205.575 provides for hospital indigent care assurance program (HICAP) payments. This administrative regulation sets forth the method for determining amounts payable by the cabinet for hospital inpatient services.

Section 1. Acute Care Hospital, Rehabilitation Hospital and Mental Hospital (Including Psychiatric Facility) Inpatient Services. The Department for Medicaid Services shall pay for inpatient hospital services provided to eligible recipients of Medical Assistance through the use of rates that are reasonable and adequate to meet the costs

that are required to be incurred by efficiently and economically operated hospitals to provide services in conformity with applicable state and federal laws, regulations, and quality and safety standards.

Section 2. Establishment of Payment Rates. The policies, methods, and standards to be used by the cabinet in setting payment rates are specified in the cabinet's "Inpatient Hospital Reimbursement Manual" revised July 1, 1992 [1994], which is incorporated by reference in this administrative regulation. For any reimbursement issue or area not specified in the manual, the cabinet shall apply the Medicare standards and principles (excluding the Medicare inpatient routine nursing salary differential). The Kentucky Medical Assistance Program Inpatient Hospital Reimbursement Manual may be reviewed during regular working hours of [(8 a.m. to 4:30 p.m.)] eastern time in the Office of the Commissioner, Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky 40621. Copies may also be obtained from that office upon payment of an appropriate fee which shall not exceed approximate cost.

Section 3. General Description of the Payment System. (1)(a) Use of prospective rates. Each hospital shall be paid using a prospective payment rate based on allowable Medicaid costs and Medicaid inpatient days except as otherwise provided for in this section. The prospective rate shall be all inclusive in that both routine and ancillary cost shall be reimbursed through the rate. For universal rate years prior to January 1, 1985 the prospective rate shall not be subject to retroactive adjustment except to the extent that an audited cost report alters the basis for the prospective rate or the projected inflation index utilized in setting the individual rate is different from actual inflation as determined by the index being used. For universal rate years beginning on or after January 1, 1985, the prospective rate shall not be subject to retroactive adjustment except to the extent that facilities with a rate based on unaudited data shall have their rate appropriately revised for the rate year when the audited cost report is received from the fiscal intermediary. However, total prospective payments shall not exceed the total customary charges in the prospective year. Overpayments shall be recouped by payment from the provider to the cabinet of the amount of the overpayment, or alternatively, by the withholding of the overpayment amount by the cabinet from future payments otherwise due the provider.

(b) Effective with regard to payments for services provided on or after July 1, 1992, an acute care hospital designated by the single state agency as a primary referral resource for the provision of indigent care shall be paid a negotiated rate so long as the negotiated rate is not less than the rate the hospital otherwise would be paid using usual program policy nor more than the hospital's usual and customary charges. The negotiated rate shall be in lieu of the usual basic rate, and the only additional payments that shall be made shall be adjustments for services to children under age six (6) (if the hospital is a disproportionate share hospital) or age one (1) (if the hospital is not a disproportionate share hospital), and any amounts payable under HICAP or the disproportionate share minimum adjustment amount if greater. If a designated hospital and the Department for Medicaid Services fail to agree on a negotiated rate the hospital shall be paid in accordance with usual policies and procedures.

(2) Use of a uniform rate year. A uniform rate year shall be set for all facilities, with the rate year established as January 1 through December 31 of each year. The first uniform rate year for mental hospitals shall be July 1, 1985 through June 30, 1986; however, effective January 1, 1986 the mental hospital rate year shall be reestablished and shall be January 1 through December 31 of each year thereafter. Changes of rates throughout the rate year as a result of policy changes shall not change the rate year, although the facility rates may change. Hospitals are not required to change their fiscal years.

(3) Trending of cost reports. Allowable Medicaid cost as shown in cost reports on file in the cabinet, both audited and unaudited, shall be trended to the beginning of the rate year so as to update Medicaid costs. When trending, capital costs and return on equity capital are excluded. The trending factor to be used shall be the Data Resource-

es, Inc. rate of inflation for the period being trended.

(4) Indexing for inflation. After allowable costs have been trended to the beginning of the rate year, an indexing factor shall be applied so as to project inflationary cost in the uniform rate year. The forecasting index currently in use is prepared by Data Resources, Inc. This policy shall be effective August 3, 1985.

(5) Peer grouping. Acute care hospitals (but not including those considered to be primarily rehabilitative in nature) shall be peer grouped according to bed size. The peer groupings for the payment system shall be: 0-50 beds, 51-100 beds, 101-200 beds, 201-400 beds, and 401 beds and up (except that the designated state teaching hospitals affiliated with or a part of the University of Kentucky and the University of Louisville shall not be included in the array for facilities with 401 beds and up unless such facility's primary characteristics are considered essentially the same as the peer group's, and the facility, although not a university teaching hospital as such, is treated in such a manner as to recognize the presence of the major pediatric teaching component existing outside the state university hospitals). No facility in the 201-400 peer group shall have its operational per diem reduced below that amount in effect in the 1982 rate year as a result of the establishment of a peer grouping of 401 beds and up. Mental hospitals shall not be peer grouped but shall have a separate array of mental hospitals only. Rehabilitation hospitals and acute care hospitals considered to be primarily rehabilitative in nature shall not be peer grouped or arrayed.

(6) Use of a minimum occupancy factor. A minimum occupancy factor shall be applied to capital costs attributable to the Medicaid program. A sixty (60) percent occupancy factor shall apply to hospitals with 100 or fewer beds. A seventy-five (75) percent occupancy factor shall apply to facilities with 101 or more beds. Capital costs are interest and depreciation related to plant and equipment.

(7) Use of a reduced depreciation allowance. The allowable amount for depreciation on building and fixtures (not including major movable equipment) shall be sixty-five (65) percent of the reported depreciation amount as shown in the hospital's cost reports. The use of a reduced depreciation allowance is not applicable with regard to mental hospitals.

(8) Use of upper limits with regard to services provided on or after July 1, 1991.

(a) The following upper limits and payment principles shall apply to all hospitals (unless the hospital is paid using a negotiated rate) with other limitations for disproportionate share hospitals shown in paragraph (b) of this subsection.

1. For acute care hospitals, an upper limit shall be established on all costs (except Medicaid capital cost) at the weighted median per diem cost for hospitals in each peer group, using the most recent Medicaid cost report available as of December 1 of each year. For mental hospitals, an upper limit shall be established on all costs (except Medicaid capital cost) at the weighted median per diem cost for hospitals in the array. A mental hospital designated by the cabinet as a primary referral and services resource for children in the custody of the cabinet shall be exempt from the upper limit for the array and shall be paid at actual projected cost with no year end settlement to actual cost; the projected cost may be adjusted for usual cost of living increases using the Data Resources, Incorporated Index. Upon being set, the arrays and upper limits shall not be altered due to revisions or corrections of data; however the arrays or upper limits may be changed as a result of changes of agency policy. Hospitals participating in the Hospital Indigent Care Assurance Program (HICAP) shall also receive, in addition to regular program payments, amounts which are payable under HICAP. Effective with regard to payments for the quarter ending June 30, 1992 and thereafter, the HICAP payments shall be the product of the ratio of each hospital's Medicaid patient days compared to total Medicaid patient days as applied to total available HICAP funds (which are the amounts remaining, from the hospital assessments paid, for distribution to hospitals after exclusion of appropriate amounts for [minus] administrative expense, [held harmless amounts, and] the contingency reserve amount, and amounts reserved for other program needs in accordance with budget commitments, obligations, and appropriations, and taking into

consideration available federal Medicaid matching funds and upper limits on HICAP payments). The formula for determination of HICAP payment amounts is shown in the Reimbursement Manual at Section 102D.(b)(2), (3), (4), and (5). ~~[For the quarters ending March 31, 1991 and June 30, 1991, no hospital participating in HICAP shall receive less than its assessment plus \$100,000 annually (\$25,000 quarterly). Effective with regard to services provided on and after July 1, 1991,]~~ No hospital participating in HICAP shall receive on an annual basis less than five and one-quarter (5.25) percent of its operating costs, or five (5) percent of its annual operating costs plus \$100,000, whichever amount is greater. ~~[Hold harmless amounts are computed separately for the first twenty (20) percent of the fund, for the 21st through 60th percent of the fund, and 61st through 100th percent of the fund.]~~ For hospitals which are disproportionate share hospitals the limitations shown in paragraph (b) of this subsection and subsection (9) of this section shall be applicable for HICAP payments. If a hospital which is a nondisproportionate share hospital is determined by the cabinet to be a nonparticipant in HICAP, the amounts otherwise payable under HICAP to the hospital shall not be made.

2. For medically necessary hospital inpatient services provided to infants under the age of one (1) with exceptionally high costs or long lengths of stay (defined as being those costs and days of stay which for newborns are after thirty (30) days beyond the date of discharge for the mother of the child and for all other infants are after thirty (30) days from the date of admission), the payment rate shall be set at 110 percent of the per diem payment rate, without regard to length of stay or number of admissions of the infants.

(b) The following upper limits and payment principles shall apply to disproportionate share hospitals as defined in subsection (9) of this section (unless the hospital is paid using a negotiated rate).

1. Acute care hospitals with Medicaid utilization of twenty (20) percent or higher, and hospitals having twenty-five (25) percent or more nursing days resulting from Medicaid covered deliveries as compared to the total number of paid Medicaid days, shall have an upper limit set at 120 percent of the weighted median per diem cost for hospitals in the array. In addition to the per diem amount computed in this manner, the hospitals shall be paid (as appropriate) additional amounts for services to children under age six (6) (as shown in subsection (9)(b)2 of this section). The hospitals shall also be entitled to amounts payable under HICAP (as shown in subsection (9)(b)3 of this section) or the disproportionate share minimum adjustment amount shown in subsection (9)(b)1 of this section if greater.

2. Designated state teaching hospitals and major affiliated pediatric teaching hospitals (i.e., those affiliated with or a part of the University of Kentucky and the University of Louisville) shall have an upper limit set at 126 percent of the weighted median per diem cost for all other hospitals of comparable size (401 beds and up). The pediatric teaching hospitals shall also be paid, in addition to the facilities' base rate, an amount which is equal to two (2) percent of the base for each one (1) percent of Medicaid occupancy but this amount shall not exceed the prospective reasonably determined uncompensated Medicaid cost to the facility. In addition to the per diem amount computed using the limits specified in this subparagraph, the hospitals shall be paid (as appropriate) additional amounts for services to children under age six (6) (as shown in subsection (9)(b)2 of this section). The hospitals shall also be entitled to amounts payable under HICAP (as shown in subsection (9)(b)3 of this section) or the disproportionate share minimum adjustment amount shown in subsection (9)(b)1 of this section if greater.

3. Mental hospitals with Medicaid utilization of thirty-five (35) percent or higher shall have an upper limit set at 115 percent of the weighted median per diem cost for hospitals in the array. The per diem amount shall be computed using this upper limit or by using the disproportionate share minimum payment amount shown in subsection (9)(b)1 of this section if doing so results in a higher per diem amount.

4. All other disproportionate share acute care hospitals shall have their upper limit set at the weighed median per diem of the cost for hospitals in the array. In addition to the per diem amount computed in this manner, the hospitals shall be paid (as appropriate) additional amounts for services to children under age six (6) (as shown in

subsection (9)(b)2 of this section). The hospitals shall also be entitled to amounts payable under HICAP (as shown in subsection (9)(b)3 of this section) or the disproportionate share minimum adjustment amount shown in subsection (9)(b)1 of this section if greater.

(9) Disproportionate share hospitals.

(a) Disproportionate share hospitals are those hospitals meeting the criteria specified in 42 USC 1396r-4(b) and (d) and those hospitals which may not meet such criteria but meet the criteria specified in 42 USC 1396r-4(d) and meet this additional criteria:

1. Acute care hospitals with Medicaid utilization of twenty (20) percent or higher and mental hospitals with Medicaid utilization of thirty-five (35) percent or higher;

2. Hospitals which are designated state teaching hospitals;

3. Hospitals which are designated major pediatric teaching hospitals;

4. Hospitals having twenty-five (25) percent or more nursery days resulting from Medicaid covered deliveries as compared to the total number of paid Medicaid days; and

5. Effective with regard to services provided on or after July 1, 1990, hospitals not meeting the additional criteria specified in subparagraphs 1 through 4 of this paragraph but with Medicaid utilization of one-half (1/2) of one (1) percent or higher.

(b) The upper limit for payments for hospitals in Kentucky (unless the hospital is paid on the basis of a negotiated rate) shall be set at the lower of allowable Medicaid cost or the median of the facility array of allowable cost with payment adjustments allowed for hospitals deemed disproportionate share hospitals in accordance with subsections (8) and (9) of this section. For compliance with 42 USC 1396r-4(c), the minimum payment adjustment and actual payment adjustment shall be computed in the following manner:

1. All hospitals determined to be disproportionate share hospitals shall be entitled to a minimum payment adjustment equal to one (1) dollar as an addition to the hospital payment rate computed using usual upper limits; and for hospitals with Medicaid utilization in excess of one (1) standard deviation above the mean Medicaid inpatient utilization rate for hospitals receiving Medicaid payments in the state, a further payment adjustment which is equal to ten (10) cents for each one (1) percent of Medicaid utilization in the hospital which is in excess of utilization at the one (1) standard deviation level.

2. Effective with regard to medically necessary hospital inpatient services provided by all Kentucky disproportionate share hospitals on or after July 1, 1991 to children under the age of six (6) with exceptionally high costs or long lengths of stay (defined as being those costs and days of stay which for newborns are after thirty (30) days beyond the date of discharge for the mother of the child and for all other children are after thirty (30) days from the date of admission), the payment rate shall be set at 110 percent of the per diem payment rate, without regard to length of stay or number of admissions of the children.

3. Effective with regard to services provided on or after July 1, 1990 any hospital which is participating in the Hospital Indigent Care Assurance Program (HICAP) shall receive disproportionate share payments under HICAP. HICAP assessments and payments are described in 907 KAR 1:017, Hospital indigent care assurance program. If a hospital is determined by the cabinet to be a nonparticipant in the HICAP program, the hospital shall be entitled to the minimum adjustment shown in subparagraph 1 of this paragraph.

(10) Operating costs shall not include professional (physician) costs for purposes of establishing the median based upper limits. Professional costs shall be trended separately.

(11) Hospitals whose general characteristics are not those of an acute care or mental hospital (i.e., because they are rehabilitation hospitals or acute care hospitals considered to be primarily rehabilitative in nature) are not subject to the operating cost upper limits.

(12) Rate appeals. As specified in the Inpatient Hospital Reimbursement Manual, hospitals may request an adjustment to the prospective rate with the submittal of supporting documentation. The established appeal procedure allows a representative of the hospital group to participate as a member of the rate review panel.

Effective with regard to services provided on or after July 1, 1990 participating out-of-state hospitals shall be reimbursed for covered inpatient services rendered eligible Kentucky Medicaid recipients at the rate of seventy-five (75) percent of usual and customary charges, up to the in-state per diem upper limit for a comparable size hospital, except as specified in subsection (2) of this section.

(2) Effective with regard to medically necessary hospital inpatient services provided on or after July 1, 1991 to infants under the age of one (1), and for children under the age of six (6) in disproportionate share hospitals (determined in the same manner as for in-state hospitals except that out-of-state hospitals are not included in facility arrays), for days of stay which for newborns are after thirty (30) days beyond the date of discharge for the mother of the child and for all other children are after thirty (30) days from the date of admission, participating out-of-state hospitals shall be paid at the rate of eighty-five (85) percent of usual and customary actual billed charges up to 110 percent of the per diem upper limit for the in-state peer group for comparably sized hospitals in recognition of exceptionally high costs and lengths of stay related to infants under the age of one (1) and children under age six (6), without regard to length of stay or number of admissions of the infants and children.

(3) Effective with regard to services provided on or after February 1, 1991, professional costs (i.e., physician fees) for all covered days of stay shall be paid at seventy-five (75) percent of the usual and customary charges of the provider.

~~[Section 5. Implementation Date. Except as provided in Section 3(8) of this regulation, the amendments to this regulation shall be applicable with regard to services provided on or after July 1, 1991.]~~

ROY BUTLER, Commissioner
LEONARD E. HELLER, Secretary

APPROVED BY AGENCY: June 30, 1992
FILED WITH LRC: July 10, 1992 at 3 p.m.

REGULATIONS AMENDED BY PROMULGATING AGENCY AND REVIEWING SUBCOMMITTEE

COMPILER'S NOTE: The following regulations were amended by the promulgating agency and the Administrative Regulation Review Subcommittee at the July 1-2, 1992 meeting unless otherwise noted.

**KENTUCKY HIGHER EDUCATION
ASSISTANCE AUTHORITY
(As Amended)**

11 KAR 5:001. Definitions pertaining to Chapter 5 of Title 11 of the Kentucky Administrative Regulations.

RELATES TO: KRS 164.740 to 164.785

STATUTORY AUTHORITY: KRS 13A.100, 164.748(4), 1992 Acts ch. 462 [HB 468 (1992 RS), Part I, F. 43, p. 47]

NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority administers grant programs to provide student financial assistance to students for attendance at Kentucky post-secondary educational institutions. This regulation sets forth definitions of terms common to multiple regulations in this chapter. By defining the terms "Kentucky tuition grant" and "KHEAA grant", the substance of 11 KAR 5:010 is included in this regulation. Therefore, this regulation repeals 11 KAR 5:010.

Section 1. Definitions. For purposes of Chapter 5 of Title 11 of the Kentucky Administrative Regulations, the terms listed below shall have the following meanings:

(1) "Academic year" means a period of time, usually eight (8) or nine (9) months, during which a full-time student would normally be expected to complete the equivalent of two (2) semesters, two (2) trimesters, three (3) quarters, 900 clock hours, twenty-four (24) semester hours, or thirty-six (36) quarter hours of instruction.

(2) The definition of "authority" is governed by KRS 164.740(1).

(3) The definition of "business school" is governed by KRS 164.740(3).

(4) "College access program" or "CAP" means the program of student financial assistance grants authorized under HB 468 (1992 RS), Part I, F. 43, p. 47 to assist financially needy part-time and full-time undergraduate students attending an educational institution.

(5) The definition of "college" is governed by KRS 164.740(4).

(6) "Educational expenses" means tuition and fees, books and supplies, room and board or reasonable living expenses, reasonable miscellaneous personal expenses, and reasonable transportation costs for the academic period of the grant application.

(7) "Educational institution" means a participating institution located in Kentucky which:

(a) Offers an eligible program of study;

(b) Enrolls as regular students only persons having either a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate, or persons who are beyond the age of compulsory school attendance in the Commonwealth of Kentucky and have the ability to benefit from the training offered by the institution; and

(c) For purposes of the college access program a business school, college, school of nursing or vocational school, and meets the requirements of the federal act; or

(d) For purposes of the Kentucky tuition grant program, a private, nonprofit college whose institutional programs are not comprised solely of sectarian instruction.

(8) The term "eligible noncitizen" means an individual who is either:

(a) A U.S. national;

(b) A U.S. permanent resident with an Alien Registration Receipt Card (I-151 or I-551);

(c) A person with a Departure Record (I-94) from the U.S. Immigration and Naturalization Service showing any one (1) of the following designations:

1. "Refugee";

2. "Asylum granted";

3. "Indefinite parole" and/or "humanitarian parole";

4. "Cuban-Haitian entrant".

Students who are in the U.S. on an F1 or F2 student visa only or a J1 or J2 exchange visitor visa only or a G series visa only are not eligible for KHEAA grant assistance.

(9) "Eligible program of study" means an undergraduate program offered by an educational institution which:

(a) Is of at least two (2) academic years duration; and

(b) Leads to a degree in a field other than theology, divinity or religious education at the institution at which the student is enrolled.

(10) The term "expected family contribution" means the amount that a student and his family are expected to contribute toward the cost of the student's education determined by applying congressional methodology set forth in Title IV, Part F of the federal act to the information that the student and his family provided on the application.

(11) The definition of "federal act" is governed by KRS 164.740(9).

(12) "Full-time student" means a student who is carrying a full-time academic workload, other than by correspondence, measured in terms of:

(a) Course work or other required activities as determined by the institution in which the student is enrolled, including any combination of courses, work experience, research or special studies which the institution requires of the student to consider him as being engaged in full-time study, and which amounts to the equivalent of a minimum of twelve (12) semester hours or twelve (12) quarter hours per academic term for institutions utilizing trimesters, semesters, or quarter hour system, or which consists of a program requiring the minimum of twenty-five (25) clock hours per week for those institutions that do not utilize such systems; and

(b) The tuition and fees customary for full-time study at that institution.

(13) The definition of "grant" is governed by KRS 164.740(10).

(14) "Kentucky tuition grant" or "KTG" means the program of student financial assistance grants authorized by KRS 164.780 and 164.785 for residents of Kentucky who bear the major costs of attending an educational institution and who demonstrate financial need.

(15) "KHEAA grant" means awards of student financial assistance grants under the college access program or the Kentucky tuition grant program or a combination of the two (2).

(16) "KHEAA grant limit" means an aggregate limitation on KHEAA grant awards to an individual, measured in terms of the number of semesters during which a KHEAA grant is disbursed to a full-time student and not fully refunded. The limit is depleted by one (1) semester:

(a) For any KHEAA grant disbursed to a full-time student in a semester; or

(b) By a CAP grant recipient enrolled less than full time, who receives the cumulative equivalent amount of CAP grant that would have been received by a full-time CAP grant recipient using the then current maximum CAP grant.

(17) "KHEAA grant program officer" or "KGPO" means the official designated on the administrative agreement, pursuant to KRS 164.748(5), to serve as the educational institution's on-campus agent to certify all institutional transactions and activities with respect to the authority's grant programs.

(18) "Overaward" means receipt of financial assistance from all sources in excess of a student's need determined in accordance with 11 KAR 5:120 through 5:145.

(19) "Resident of Kentucky" or "resident" means a person who is classified as an in-state student in accordance with criteria set forth in the "Residency Classification Policy" at 13 KAR 2:040[as adopted and from time to time amended by the Council on Higher Education].

(20) "Total cost of education" for an academic year means an amount determined for each applicant by the following formula: normal tuition and fees charged by the institution chosen by the applicant, plus maximum board contract amount, plus minimum room contract amount.

Section 2. 11 KAR 5:010, Authority, purpose, name of grant programs, is hereby repealed.

WAYNE STRATTON, Chairman
APPROVED BY AGENCY: April 28, 1992
FILED WITH LRC: May 8, 1992 at 3 p.m.

**KENTUCKY HIGHER EDUCATION
ASSISTANCE AUTHORITY
(As Amended)**

11 KAR 5:130. Student application.

RELATES TO: KRS 164.744(2) to 164.753(4) [164.740 to 164.764], 164.780, 164.785

STATUTORY AUTHORITY: KRS 13A.100, 164.748(4)

NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority administers grant programs to provide financial assistance to students to attend Kentucky educational institutions. This regulation prescribes the form to be used by students to apply for and establish financial need for KHEAA grant programs. This amendment is necessary to reflect the application form for KHEAA [state] grants for use in 1992-93 [1991-92] and subsequent years and to delete common definitions now being placed in a separate regulation. The provisions of this regulation substantially duplicate 11 KAR 11:020. Therefore, an amendment to this regulation repeals 11 KAR 11:020, [and to change the provisions for grant availability after a change of educational institutions.]

[Section 1. Definitions. The terms "authority", "business school", "college", "federal act", "grant", "school of nursing", and "vocational school" shall have the meanings defined in KRS 164.740. For purposes of this regulation, the terms listed below shall have the following meanings:

(1) "Educational institution" means an institution located in Kentucky which:

(a) Offers an eligible course of study;

(b) Enrolls as regular students only persons having either a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate, or persons who are beyond the age of compulsory school attendance in the Commonwealth of Kentucky and have the ability to benefit from the training offered by the institution;

(c) Has entered into an administrative agreement with the authority; and

(d) For purposes of the state student incentive grant program, a business school, college, school of nursing or vocational school, as defined in KRS 164.740(3), (4), (17), and (18) respectively and meets the requirements of the federal act; or

(e) For purposes of the Kentucky tuition grant program, a private, nonprofit college accredited by the Southern Association of Colleges and Schools, Commission on Colleges, and whose institutional programs are not comprised solely of sectarian instruction.

(2) "Eligible course of study" means a program offered by an educational institution which:

(a) Is of at least two (2) academic years duration; and

(b) Leads to a degree in a field other than theology, divinity or religious education at the institution at which the student is enrolled.]

Section 1. [2.] In order to receive KHEAA grants [program benefits], the 1992-1993 Kentucky Financial Aid Form incorporated herein by reference, for the pertinent academic year, shall be completed and submitted in accordance with the instructions provided by the authority. The application and instructions are available from

the authority at its office at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m. An applicant shall indicate the choice of an educational institution on the application to be considered for the KHEAA grant. The educational institution listed first shall be used in the determination of a KHEAA grant program award.

Section 2. [3.] If the student provides written notification of change of first choice educational institution, on or before August 1 or December 1, prior to the commencement of the respective fall or spring semester for which a KHEAA grant is sought, grant program eligibility shall be redetermined and award determination shall be recomputed by the authority based upon the new choice of educational institution. If the student changes his or her choice of educational institution after those dates, any KHEAA grant award for the succeeding academic term shall be revoked, and grant program eligibility shall be recomputed and depend upon the availability of funds.

Section 3. 11 KAR 11:020, Student application, is hereby repealed.

WAYNE STRATTON, Chairman
APPROVED BY AGENCY: April 28, 1992
FILED WITH LRC: May 8, 1992 at 3 p.m.

**DEPARTMENT OF PERSONNEL
(As Amended)**

101 KAR 2:046. Applications, qualifications and examinations.

RELATES TO: KRS 18A.030, 18A.110, 18A.120

STATUTORY AUTHORITY: KRS Chapter 13A, 18A.030, 18A.110, 18A.150

NECESSITY AND FUNCTION: KRS 18A.110 requires the Commissioner of Personnel to promulgate comprehensive administrative regulations, consistent with the provisions of KRS Chapter 18A, which govern open competitive exams to test the relative fitness of applicants and for the rejection of candidates or eligibles who fail to meet reasonable requirements of the commissioner. This regulation is necessary to implement these statutory requirements and to assure uniformity in administering exams.

Section 1. Notices of Examinations. Examinations for entrance to the classified service shall be conducted on an open-competitive basis. For those job classifications in which there is expected to be a considerable and recurring need of eligibles, the commissioner shall establish a recruitment program which shall be both positive and continuous. Under such plan, applications may be accepted at any time and examinations held whenever and wherever the commissioner deems it desirable for the service. For those job classifications for which continuous recruitment is not needed, special announcements will be used. Eligibles will be listed in rank order of score irrespective of date on which the examination was taken. Notice of examinations shall be announced publicly fifteen (15) days prior to opening and may be distributed to public officials, employment service offices, newspapers, radio stations, educational institutions, professional and vocational societies, other media and such other individuals and organizations as the commissioner may deem expedient. The public notice of examination shall specify the title and minimum salary of the job classifications; the minimum qualifications required; the final date on which application will be received; the relative weights to be assigned to different parts of the examination; and all pertinent information and requirements.

Section 2. Minimum Qualifications for Filing. Open-competitive examinations shall be open to all applicants who meet the standards or requirements fixed by the commissioner with regard to education, experience, age, physical condition, and such other factors as may be held to relate to the ability of the candidate to perform with reasonable

efficiency the essential functions [duties] of the position.

Section 3. Filing Applications. (1) All applications shall be made on forms prescribed by the commissioner. Such application may require information concerning personal characteristics, education, experience, references, and other pertinent information. When the nature of the work is such that age limits are necessary, the commissioner after consultation with the appointing authority may approve the age limits, which shall be stated in the examination announcement. All applications shall be signed and the truth of the statements contained therein certified by such signatures. Applicants must meet the minimum qualifications specified in announcements as to education and experience, but in no case shall admittance to the examinations constitute assurance of a passing grade.

(2) For those job classifications for which there is to be continuous recruitment, a statement shall be included in the announcement to the effect that applications will be received until further notice.

(3) For those job classifications for which continuous recruitment is not needed, special announcement bulletins will be used. Applicants shall have fifteen (15) calendar days to apply for these special openings. The applications will be processed and those applicants who meet the minimum requirements will be notified of the testing dates.

Section 4. Advance Examinations. Any applicant who does not meet minimum requirements as to education but who will meet these requirements as a result of the completion of further educational work which he has scheduled for the six (6) months following the date of receipt of application, may be allowed to take the examination at the discretion of the commissioner. An applicant taking the examination under this provision shall have his or her name entered on the register up to thirty (30) days prior to completing the educational requirements.

Section 5. Character of Examinations. Examinations shall be practical in nature, constructed to reveal the capacity of the candidate for the particular job classification for which he is competing and his general background and related knowledge, and shall be rated impartially. The commissioner may use a rating of education and experience and any test of capacity, knowledge, manual skill, character, personal traits, or physical fitness which in his judgment serves the need to discover the relative fitness of applicants.

Section 6. Conduct of Examinations. (1) Examinations shall be conducted in as many places in the Commonwealth as are found convenient for applicants and practicable for administration. **Reasonable accommodation in testing will be provided upon timely request and receipt of verification if required.**

(2) The commissioner may designate monitors in various parts of the Commonwealth to take charge locally of examinations under instructions prescribed by him, provide for the compensation of such monitors, and make arrangements for the use of public buildings in which to conduct the examinations.

(3) Retest procedures.

(a) For open continuous testing an applicant may be admitted to the same exam or its alternate no more than two (2) times within a regular workweek.

(b) For open continuous testing an applicant shall not be permitted to take the same exam or its alternate more than twelve (12) times in a twelve (12) month period beginning with the original date such test is taken.

(c) Retest procedures for examinations listed on special announcements shall be stated on the bulletin.

(d) An eligible who is removed from a register, who fails to make himself available to an appointing authority for consideration or who declines appointment by an appointing authority shall not be allowed to retest for the job class from which removed for six (6) months from the date of removal unless he has been restored for reasons satisfactory to the commissioner or in accordance with the decision of the board on appeal.

Section 7. Rating Examinations. The commissioner shall determine the rating or standing of applicants on the register for all examinations. Such final rating shall be based upon a weighted average of the various parts of the total examination. All applicants for the same job classification shall be accorded uniform and equal treatment in all phases of the examination procedure.

Section 8. Rating Education and Experience. (1) When the rating of education and experience forms a part of the total examination, the commissioner shall determine a procedure for the evaluation of the education and experience qualifications of the applicants. The formula used in appraisal shall give due regard to recency and quality as well as quantity of experience and the pertinency of the education.

(2) The commissioner shall investigate the candidate's educational record form. The commissioner may investigate the candidate's work history. If the results of this investigation bring out information affecting the rating of education and experience, the commissioner may rate the candidate accordingly or make the necessary revision of the rating and so notify the candidate.

(3) When the knowledges, skills and abilities for a job classification are those which cannot best be measured by written, performance, or training and experience examination the commissioner may determine the selection method for the classification to be qualifying. When a classification is determined to be qualifying the commissioner shall notify the Personnel Board of the classification and the minimum requirements. The commissioner shall maintain a list of those classifications which are qualifying along with the minimum requirements for each for public review.

Section 9. Oral Examinations. When an oral examination forms a part of the total examination for a position, the commissioner shall appoint one (1) or more oral examination panels as needed. An oral examination panel shall consist of three (3) or more members who shall be known to be interested in the improvement of public administration and in the selection of efficient government personnel of whom one (1) shall be technically familiar with the character of work in the position for which the applicants will be examined. Whenever practicable, all candidates for the same job classification who qualify for the oral examination shall be rated by the same oral examination panel. A member of an oral examination panel shall disclose each instance in which he knows the applicant personally and may refrain from rating such applicant.

Section 10. Notice of Examination Results. Each competitor shall be notified of his final rating as soon as the rating of the examination has been completed. Eligibles shall be entitled to information concerning their relative position on the register upon request and presentation of proper identification.

Section 11. Adjustment of Errors. An error in the rating of an examination, if called to the attention of the commissioner within thirty (30) days after receipt by the applicant of the notice of examination results shall be corrected by the commissioner provided, however, that such corrections shall not invalidate any certification and appointment previously made.

Section 12. Examination Records. The commissioner shall be responsible for the maintenance of all records pertinent to examination programs. Applications and other necessary examination records shall be kept during the life of the register.

SHIRLEY J. CLARK, Commissioner

BRERETON C. JONES, Governor

APPROVED BY AGENCY: May 12, 1992

FILED WITH LRC: May 15, 1992 at 11 a.m.

TOURISM CABINET
Department of Fish and Wildlife Resources
(As Amended)

301 KAR 3:022. License, tag, permit, and stamp fees.

RELATES TO: KRS 150.175, 150.180, 150.190, 150.200, 150.225, 150.235, 150.240, 150.280, 150.290, 150.485, 150.525, 150.603, 150.520, 150.630, 150.660, 150.670, 150.990

STATUTORY AUTHORITY: KRS 13A.350, 150.015, 150.021, 150.170, 150.175, 150.180, 150.190, 150.225, 150.240, 150.280, 150.485, 150.525, 150.603, 150.620, 150.660, 150.670

NECESSITY AND FUNCTION: The commissioner, with the concurrence of the Fish and Wildlife Resources Commission, finds it necessary to establish the fee schedule in this regulation to generate the necessary funds to finance programs to protect, manage, and conserve the fish and wildlife resources of the state so a permanent and continued supply will be maintained for the benefit of present and future generations.

Section 1. Licenses, tags, permits and stamps listed in this section shall be valid from March 1 through the last day of February the following year.

(1) Sport fishing licenses:

Statewide fishing license (resident): \$12.50

Statewide fishing license (nonresident): \$30.00

Joint statewide fishing license (resident): \$22.50

Trout stamp (resident or nonresident): \$5.00

(2) Commercial fishing licenses:

Commercial fishing license (resident) plus ten (10) resident commercial gear tags: \$100.00

Commercial fishing license (nonresident) plus ten (10) nonresident commercial gear tags: \$500.00

(3) Commercial fishing gear tags (not to be sold singly):

Commercial fishing gear tags (resident) block of 10 tags: \$10.00

Commercial fishing gear tags (nonresident) block of 10 tags: \$75.00

(4) Hunting licenses:

Statewide hunting license (resident): \$12.50

Statewide hunting license (nonresident): \$95.00

Statewide junior hunting license (resident or nonresident): \$6.25

[Statewide waterfowl stamp (resident or nonresident): \$7.50]

(5) Combination hunting and fishing license (resident): \$20.00

(6) Trapping licenses:

Trapping license (resident): \$15.00

Trapping license (resident landowner/tenant): \$7.50

Trapping license (nonresident): \$115.00

(7) Big game permits:

Big game permit, deer (resident or nonresident): \$21.00

Junior big game permit, deer (resident or nonresident): \$12.50.

Big game permit, turkey (resident or nonresident): \$17.50

Section 2. Licenses, tags, permits, and stamps listed in this section shall be valid for the calendar year in which they are issued.

(1) Live fish and bait dealer's licenses:

Live fish and bait dealer's license (resident): \$30.00

Live fish and bait dealer's license (nonresident): \$60.00

(2) Commercial mussel licenses:

Musseling license (resident): \$300.00

Musseling license (nonresident): \$1500.00

Mussel buyer's license (resident): \$500.00

Mussel buyer's license (nonresident): \$1500.00

(3) Commercial taxidermist license: \$100.00

(4) Commercial guide licenses:

Commercial guide license (resident): \$100.50

Commercial guide license (nonresident): \$250.00

(5) Fur dealer's licenses:

Fur processor's license (resident): \$150.00

Fur buyer's license (resident): \$50.00

Fur buyer's license (nonresident): \$230.00

(6) Nonresident hunting preserve license: \$10.00

(7) Shooting preserve permit: \$100.00

(8) Commercial fox hound training enclosure permit: \$250.00

(9) Collecting permits:

Educational wildlife collecting permit: \$10.00

Scientific wildlife collecting permit: \$200.00

(10) Food permits:

Food permit for selling bobwhite quail from propagation farms only: \$150.00

Retail food permit for propagated quail: \$5.00

(11) Pay lake license:

First two (2) acres or less: \$100.00

Per additional acre or part of acre: \$20.00

(12) Bird dog training device permit: \$10.00

Section 3. Licenses, tags, permits and stamps listed in this section shall be valid for one (1) year from the date of issue:

(1) Pet and propagation permits:

Commercial wildlife pet and propagation permit: \$200.00

Fishery pet permit: \$10.00

Commercial fish propagation permit: \$100.00

(2) Fish transportation permit: \$25.00

Section 4. Licenses, tags, permits and stamps listed in this section shall be valid for three (3) years from the date of issue.

(1) Falconry permit: \$45.00

(2) Noncommercial wildlife pet and propagation permit: \$75.00

Section 5. Licenses, tags, permits and stamps listed in this section shall be valid for the date or dates specified on each.

(1) Short-term nonresident licenses:

Three (3) day fishing license: \$12.50

Fifteen (15) day fishing license: \$20.00

Five (5) day hunting license (not valid for big game): \$27.50

Three (3) day fur bearer's license: \$40.00

(2) Wildlife transportation permit: \$25.00

(3) Special commercial fishing permit: \$500.00

(4) Commercial waterfowl shooting area permit: \$100.00

(5) Shoot to retrieve field trial permits:

Per trial (maximum four (4) days): \$50.00

Single day: \$15.00

Section 6. Licenses, tags, permits and stamps listed in this section shall be valid on a per unit basis as specified.

(1) Bird bands (each): \$.25

(2) Ballard waterfowl hunt (per person, per day): \$15.00

(3) Horse stall rental (per space, per day): \$2.00

(4) Dog kennel rental (per dog, per day): \$.50

(5) Conservation education camp fee: \$50.00

Section 7. Except for scientific or educational collecting permits as specified in 301 KAR 4:070 the licenses, tags, permits and stamps authorized by this regulation shall not be changed, altered, or defaced in any manner. All licenses, tags, permits and stamps are nontransferable.

Section 8. These fees shall apply to all licenses, tags, permits and stamps issued with an effective beginning date on or after January 1, 1993.

Section 9. 301 KAR 3:021, Hunting and fishing license fees, shall be repealed on March 1, 1993.

DON R. McCORMICK, Commissioner

DAVID H. GODBY, Chairman

BRENDA FRANK, Acting Secretary

APPROVED BY AGENCY: December 12, 1991

FILED WITH LRC: May 14, 1992 at 9 a.m.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of School Administration and Finance
(As Amended)

702 KAR 1:035. Group health and life insurance.

RELATES TO: KRS ~~[18A.205, 18A.225,]~~ ~~[156.031,]~~ 161.158
STATUTORY AUTHORITY: KRS 156.070, 161.159

NECESSITY AND FUNCTION: ~~[KRS 156.031 requires that regulations relating to statutes amended by the 1990 Kentucky Education Reform Act be reviewed, amended if necessary, and resubmitted to the Legislative Research Commission prior to December 30, 1990;]~~ KRS 18A.205 and 18A.225 authorize the purchase of group life and health insurance for state employees; and KRS 161.158 authorizes local boards of education to administer group insurance coverage for its employees. This regulation provides the basis for Department of Education administration of the group health and life insurance programs for certificated and noncertified employees of local boards of education and interlocal educational cooperatives.

Section 1. The following definitions shall apply to this administrative regulation:

(1) "Regular, full-time, noncertified employee" means an employee having the expectation that he is to be employed for the full school term (or the remainder of the school term) as defined in KRS 158.070, and whose assignments require a minimum of eighty (80) hours per school month as defined in KRS 158.060.

(2) "Regular, full-time, certified employee" means an employee with the expectation that he is to perform duties for the full school term (or the remainder of the school term) as defined in KRS 158.070 but in no instance shall such employment require less than seventy (70) percent of the school day or school month as defined in KRS 158.060.

(3) "Interlocal educational cooperative" means two (2) or more local boards of education governed by an interlocal cooperation agreement described by KRS 65.210 through 65.300 and formed to make educational programs and services more efficiently and effectively available to boards of education on a multidistrict basis.

Section 2. ~~[4-]~~ Group health coverage shall consist of a single contract or the single contract dollar equivalent applied to any alternate plans of coverage contained in the master contracts between the Commonwealth and the carriers.

Section 3. ~~[2-]~~ Group life insurance coverage shall consist of benefit amounts as specified in the master contract between the Commonwealth and the carrier.

Section 4. ~~[3-]~~ For the purposes of administration of the group health and life insurance programs for local board employees, the following shall apply:

~~[(1) A regular, full-time noncertified employee is one who is employed with the expectation that he is to be employed for the full school term (or the remainder of the school term) as defined in KRS 158.070, and whose assignments require a minimum of eighty (80) hours per school month as defined in KRS 158.060.~~

~~(2) A regular, full-time certified employee is one who is employed with the expectation that he is to perform [their] duties for the full school term (or the remainder of the school term) as defined in KRS 158.070 but in no instance shall such employment require less than seventy (70) percent of the school day or school month as defined in KRS 158.060.~~

~~(3) An interlocal educational cooperative is one composed of two (2) or more local boards of education in order to make educational programs and services more efficiently and effectively available to such local boards of education on a multidistrict basis, and further such cooperative is one governed by an interlocal cooperation~~

~~agreement as described by KRS 65.210 to 65.300.]~~

~~(1) [(4)] Regular full-time certified and noncertified employees shall be ineligible for state contribution for health and life insurance premiums if on leave without pay from the local educational agency or interlocal cooperative. Leave without pay shall include unpaid leave, unpaid sick leave, unpaid educational leave, and unpaid leave while receiving Workers' Compensation benefits. Unpaid leave is defined as beginning the first day of the month following an employee's last paid working day.~~

~~(2) [(5)] An employee on leave without pay shall not be eligible for state contribution for health and life premiums until the employee has actively returned to work from leave.~~

Section 5. ~~[4-]~~ Each local board of education or interlocal educational cooperative shall provide to the Department of Education accurate employment data on covered employees on a month-to-month basis on such forms and such detail as may be specified by the chief state school officer.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the State Board for Elementary and Secondary Education, as required by KRS 156.070(4).

THOMAS C. BOYSEN, Commissioner

JOSEPH W. KELLY, Chairman

APPROVED BY AGENCY: May 12, 1991

FILED WITH LRC: May 15, 1991 at 10 a.m.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of District Support Services
(As Amended)

702 KAR 7:050. Attendance; resident, nonresident.

RELATES TO: KRS ~~[156.031,]~~ 157.320, 157.360, 158.030, 158.240, 159.035, 161.200

STATUTORY AUTHORITY: KRS 156.070, 157.320, 158.070

NECESSITY AND FUNCTION: ~~[KRS 156.031 requires that regulations relating to statutes amended by the 1990 Kentucky Education Reform Act be reviewed, amended if necessary, and resubmitted to the Legislative Research Commission prior to December 30, 1990;]~~ KRS 157.320 defines average daily attendance of pupils for funding purposes under the Support Educational Excellence in Kentucky Program; KRS 157.360 bases state funding upon average daily attendance; KRS 158.030 defines the minimum age for school attendance; KRS 158.240 and 159.035 define attendance credit for moral instruction and 4-H activities; and KRS 161.200 requires attendance records to be kept by teachers. Regulations are necessary to assure uniformity in recording attendance of all pupils in the schools of Kentucky.

Section 1. The word "pupil" as the basis for average daily attendance as provided for in Kentucky Revised Statutes and for all other uses in the public school system shall mean all persons who are in attendance at school between the ages of five (5) and twenty-one (21) years. Any pupil who meets requirements of KRS 158.030 for entering school shall be considered five (5) years of age for attendance purposes.

Section 2. (1) Daily attendance: average daily attendance for educational funding. The daily attendance of pupils shall be determined by checking their attendance at least twice per day. Schools, grades, or homerooms may designate the most appropriate time to check attendance, but recording shall be such that half-day or all day attendance is recorded as defined in Section 3 of this regulation. A pupil may be counted in attendance, while not physically present in the classroom if:

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(a) The pupil is absent as a participant in a school activity which has been authorized by the local board of education and which is a definite part of the instructional program of the school; or

(b) The pupil is absent as a participant in an activity as provided in either KRS 158.240 or KRS 159.035. Pupils shall not be counted in attendance for determining average daily attendance when they are spectators at school activities.

(2) Daily attendance: recognition purposes. Individual schools, grades, or homerooms shall be permitted to grant attendance awards, based upon a pupil's attendance in school for less than full days. A pupil who is in attendance for at least one (1) instructional period may be deemed present for the day for attendance award and recognition purposes.

Section 3. (1) Pupils shall not be counted in attendance unless they are physically present in the school. They shall be counted absent although such absence is due to factors beyond their control such as inclement weather or failure of the transportation system to operate.

(2) Occasional absences shall be reported in increments of one-half (1/2) day. Notwithstanding the provisions of Section 2 of this regulation, a pupil who is absent for at least two (2) consecutive instructional periods in any regularly scheduled day shall be considered, and recorded, absent for one-half (1/2) day. A pupil who is absent for at least five (5) consecutive instructional periods in a regularly scheduled day shall be considered, and recorded, absent for the full day. In the event a school regularly schedules more than seven (7) periods per day, one-half (1/2) or all day absence shall be recorded based upon three (3) and six (6) consecutive instructional periods absence, respectively.

(3) Absences on a regular basis for one (1) or more periods for the majority of the days in a school month shall be reported on a period basis. Districts shall not vary the schedule of students during the school month in order to circumvent the intent of this subsection.

Section 4. (1) Pupils enrolled in both a public common school and a nonpublic school under a dual enrollment plan shall be counted in attendance for average daily attendance [ADA] purposes for the time they are in attendance at the public school under straight shared-time.

(2) "Straight shared-time" is defined as an arrangement whereby a child regularly or concurrently attends a public common school part-time and a nonpublic school part-time pursuing part of his education under the direction and control of the public common school and the remaining under the direction of the nonpublic school.

Section 5. Pupils enrolled in a public common school who [and] attend the public common school one-half (1/2) day and who attend the remainder of the school day in a state vocational technical school or an area vocational education center shall be counted in full-time attendance at the public common school.

Section 6. If a local district under the provisions of KRS 157.360, enrolls handicapped children in a private school or agency approved by the State Board for Elementary and Secondary Education upon the recommendation of the Office of Education for Exceptional Children, the private school or agency shall certify the attendance of these children to the Department of Education at the close of the second school month and at the close of the school year. This attendance shall be counted in a public school designated by the local district.

Section 7. No pupil shall be allowed to make up absences for the purpose of counting such make-up activities in computing average daily attendance.

Section 8. (1) A copy of the written agreement local boards of education execute for average daily attendance of nonresident pupils as provided by KRS 157.350(4) ~~and the attendance report (Growth Factor Report) for the first two (2) months of the current school year as required by KRS 157.360(8)]~~ shall be submitted to the State Department of Education prior to November 1 [45] of each year.

Names of nonresident pupils, whose attendance is covered by the agreement, shall be listed on the back of the agreement on file in the office of the local board of education and also on the back of the copy of the agreement filed with the State Department of Education.

(2) An attendance report (Growth Factor Report) for the first two (2) months of the current school year as required by KRS 157.360(8) shall be submitted to the State Department of Education prior to November 1 of each year. The Growth Factor Report shall contain number of days taught, transportation data for months one (1) and two (2) separately, the aggregate attendance for the two (2) months, and the aggregate membership for the two (2) months. Kindergarten data shall be reported for full-time equivalent days. Until such time as the primary school program, as required by KRS 156.160(1a) and KRS 158.030, is fully implemented, all attendance and Growth Factor Report data shall be reported by school and by grade [Names of nonresident pupils, whose attendance is covered by the agreement, shall be listed on the back of the agreement on file in the office of the local board of education and also on the back of the copy of the agreement filed with the State Department of Education].

(3) Changes may be made in the original nonresident pupil agreement, up to the close of the school year, to include only the nonresident pupils enrolling after the close of the second school month. A copy of the amended agreement shall be on file in the office of the local board of education and a copy of the amendment shall be submitted to the State Department of Education along with the local superintendent's annual statistical report, no later than June 30 of the current school year.

(4) In the event local boards of education fail to enter into a written agreement for nonresident pupils as outlined in subsections (1) and (2) of this section, the local board of education educating the nonresident pupils shall not receive attendance credit for these nonresident pupils.

(5) Directors of pupil personnel in each local district shall certify student membership, as reported to the Department of Education on the school data form, of each school as of the end of the first month of school. They shall also certify, on a supplement to the school data form, reported average daily attendance for the first school month. The school data form, as revised April 1992, is incorporated herein by reference. Such document may be inspected and copied at the Division of Technology Integration, Department of Education, 16th Floor, Capital Plaza Tower, 8 a.m. to 4:30 p.m., Monday through Friday. The supplement to the school data form shall report average daily attendance by school and by grade.

Section 9. The teacher's register of daily attendance or reasonable facsimile recommended by the chief state school officer and approved by the State Board for Elementary and Secondary Education shall be the original source of attendance data for all pupils enrolled in the public elementary and secondary schools of the Commonwealth of Kentucky and shall be maintained in accordance with the instructions which are prepared and distributed by the State Department of Education.

Section 10. If a local board of education elects to follow the provisions of KRS 161.200(2) for keeping and reporting pupil attendance, the board shall submit a written plan to the chief state school officer for approval. A copy of the approved plan shall be on file in each public school.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the State Board for Elementary and Secondary Education, as required by KRS 156.070(4).

THOMAS C. BOYSEN, Commissioner

JOSEPH W. KELLY, Chairman

APPROVED BY AGENCY: May 12, 1991

FILED WITH LRC: May 15, 1991 at 10 a.m.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Learning Programs Development
(As Amended)

704 KAR 3:035. Annual professional development plan.

RELATES TO: KRS 156.095, 156.0951, 158.070

STATUTORY AUTHORITY: KRS 156.070, 156.095, 158.070

NECESSITY AND FUNCTION: KRS 156.095 and 156.0951 authorize the State Board for Elementary and Secondary Education to establish, direct, and maintain a statewide program of professional development training, with the relevant purpose of such a program being the improvement of instruction in the public schools, and mandate local school district consortia for professional development purposes; and KRS 158.070 requires the state board to adopt regulations setting forth guidelines and procedures to be followed for the approval of the four (4) days of the minimum school term which are mandated to be utilized by each local school district for professional development activities for the professional staff. This regulation implements these duties and powers by interpreting of what professional development consists and by requiring each local district and [or] consortium of districts to have approved annually a master professional development plan by which it is to be guided in providing suitable professional development training programs and in requiring all instructional leaders to participate in the statewide training program implemented under KRS 156.101.

Section 1. Definitions. The following definitions shall apply to this administrative regulation:

(1) "Professional development" means any training of certified personnel to assist them in acquiring the knowledge and skills needed to assist them in acquiring the knowledge and skills needed for instructional improvement.

(2) "KERA" means the Kentucky Education Reform Act.

(3) "Components of KERA" means: [Professional development shall mean any training of certified personnel to assist them in acquiring the knowledge and skills needed for instructional improvement. The data, skills, and concepts comprising the substance of the training programs shall be determined by identified needs related to the components of the Kentucky Education Reform Act (KERA) in the instructional, administrative and support services of the school system. The components of KERA include:]

(a) [(1)] Preschool program;

(b) [(2)] Primary program;

(c) [(3)] Kentucky's learning goals, valued outcomes, and the noncognitive school goals;

(d) [(4)] Research-based instructional strategies;

(e) [(5)] Development of school curricula aligned with KERA learning goals, the valued outcomes, and the noncognitive school goals;

(f) [(6)] Education technology;

(g) [(7)] Learning and assessment for diverse populations;

(h) [(8)] School-based decision making; and

(i) [(9)] Leadership development.

Section 2. Substance of training programs for professional development. The data, skills, and concepts comprising the substance of the training programs for professional development shall be determined by identified needs related to the components of KERA.

Section 3. [2]. Each local district board of education shall have on file with the State Department of Education an approved master professional development plan. The plan shall include the following components:

(1) Name of local school district;

(2) Name of professional development coordinator;

(3) Names of local school district's professional development committee, which shall be a representative body of all role groups [areas] or levels of educational personnel within the local school

district;

(4) Description of planning process;

(5) [(4)] Description of needs assessment, including a brief description of procedures implemented to determine how the district's professional development needs were assessed and the results of the assessment;

(6) [(5)] Statement of district's instructional improvement goal(s), which shall be based on identified needs and which shall include but shall not be limited to the completion of the requisite training hours by all instructional leaders, as defined by KRS 156.101, regardless of the date of initial certification of the instructional leaders. The training hours for instructional leaders may be completed as a part of the statewide program, either during the regular school term or during the summer;

(7) [(6)] Statement of district's professional development objectives, which shall provide direction for education personnel in the attainment of the district's instructional improvement goals and shall include but shall not be limited to the completion of the above-defined requisite training hours for all instructional leaders;

(8) [(7)] A description [listing] of specific professional development sessions/experiences [activities and a justification of the activities with respect to the local professional development plan and KRS 156.095]; and

(9) [(8)] Description of evaluation, including:

(a) A summary of how professional development sessions/experiences [programs] implemented and operated by individual local school districts shall be evaluated; and

(b) A summary of how the implementation of the master professional development plan shall be evaluated.

Section 4. [3-] (1) [During the 1991-92 school year,] The [preliminary] professional development plan shall address any local district instructional improvement or training needs that are in accordance with the components of KERA [mandated areas listed in KRS 156.095 and 704 KAR 3:006].

(2) Professional development activities shall be related to teachers' instructional assignments and administrators' professional responsibilities. Activities shall support the local school district's instructional improvement goals and objectives identified in the master professional development plan.

(3) Activities for professional development credit of classroom teachers shall not supplant any of the six (6) hour instructional day.

(4) Professional development activities shall not occur on snow days. Districts may, however, report flexible professional development activities on snow days. This situation involves a calendar change only; it does not result in activities on snow days.

(5) Professional development credit shall not be awarded for college graduate courses that lead to a change in rank or certification status. Exceptions may be made for university courses that are clearly supportive of the participating district's master professional development plan.

(6) Professional development credit shall not be awarded for those activities that provide remuneration beyond travel, food and lodging.

(7) Districts implementing a flexible professional development schedule shall award professional development credit for any given academic school year within the date limitations of the master professional development plan.

(8) Approvable professional development activities are those which address instructional improvement for the school district, an individual school or a group of teachers in the components of KERA [areas required by KRS 156.095]. Activities which are not approvable for professional development credit include, but are not limited to, the following: organizational business meetings, compiling class rosters, scheduling, textbook adoption committee meetings, writing lesson plans, housekeeping duties, faculty meetings, extracurricular activities; PTA/PTO meetings, sporting events, field trips, parent-teacher conferences, and CPR training, and Kentucky Teacher Internship Program update training].

Section 5. [4-] (1) Each superintendent shall appoint a certified

school employee to fulfill the role and responsibilities of a professional development coordinator.

(2) The minimum qualifications for the appointment shall be a valid Kentucky certificate as a principal or supervisor.

(3) The duties of the professional development coordinator as follows:

(a) Facilitates needs assessments for professional development and the development of goals and objectives for training programs and projects. Beginning in July, 1991, needs assessments and development of goals and objectives shall be carried out in conjunction with the school council or professional development committee of each school ~~[participating in school-based decision-making within local district policy]~~.

(b) Provides technical assistance to school council or professional development committee in the establishment of a school plan for professional development.

(c) ~~[(b)]~~ Completes, in conjunction with the consortium, master professional development plan for inclusion in the Educational Improvement Plan.

(d) ~~[(e)]~~ Serves as chairperson of district's Professional Development Committee.

(e) Coordinates the planning, implementation and evaluation of the ~~[(d) Plans, organizes, implements, and evaluates]~~ professional development program in conjunction with the school and district professional development committees and the consortium.

(f) ~~[(e)]~~ Meets regularly with administrators and teachers to establish future goals and identify specific training needs of the district's personnel.

(g) ~~[(f)]~~ Coordinates the establishment of procedures, timetables, preparation of necessary forms and letters, assignment of workshop sites and all other practical elements of professional development training.

(h) ~~[(g)]~~ Maintains all professional development records, documentations, and other pertinent records.

(i) ~~[(h)]~~ Interprets the professional development programs' objectives, results, and needs to district staff, the board, civic and parent groups, teacher training institutions and others as appropriate.

(j) ~~[(i)]~~ Keeps updated on current professional development trends.

(k) ~~[(j)]~~ Maintains continuous liaison with Kentucky Department of Education, the consortium to which the district belongs and other agencies involved with the district in the provision of professional development activities.

Section 6. ~~[5-]~~ By the effective date of this regulation, each local school district and ~~[or]~~ consortium shall develop ~~[submit to the Department of Education]~~ a ~~[preliminary]~~ professional development plan. This plan shall describe training activities which the district and ~~[or]~~ consortium wish~~[es]~~ to provide for its certified staff within the components of KERA. The consortium plan, along with the plans of its member districts must be submitted to the Department of Education prior to the implementation of the plans. ~~[using the services of the Department of Education during the 1991-92 school year. It shall also describe services of its consortium during the 1992-95 school years.]~~

Section 7. ~~[6-]~~ Additional standards for approval of the district and consortium professional development plans are located in the document, "Planning Professional Development with a Focus on KERA: The Development and Approval Process for School Districts and Consortia", which is hereby incorporated by reference. This document was approved in March 1992, and can be obtained from the Division of Professional Development, 18th Floor, Capital Plaza Tower, Frankfort, Kentucky any time between 8 a.m. - 4:30 p.m. on Monday through Friday. ~~[Beginning in July, 1992, each consortium formed shall submit to the Department of Education an annual professional development plan describing training activities for its member districts. This plan shall be based upon the member district's needs as reported to the consortium by each district's professional development coordinator.]~~

Section 8. ~~[7-]~~ No more than twenty-five (25) percent of each

local district's professional development funds shall be used by the consortium for administrative purposes.

Section 9. ~~[8-]~~ When implementing professional development programs under KRS 158.070, each local school district or consortium of districts shall adhere to its approved master professional development plan as developed with technical assistance provided from the Department of Education.

Section 10. ~~[9-]~~ Any local district not complying with Sections 1 through 8 of this regulation shall be required to personally appear through appropriate representatives before the State Board for Elementary and Secondary Education in order to offer explanation for any noncompliance.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the State Board for Elementary and Secondary Education, as required by KRS 156.070(4).

THOMAS C. BOYSEN, Commissioner

JOSEPH W. KELLY, Chairman

APPROVED BY AGENCY: May 12, 1992

FILED WITH LRC: May 14, 1992 at 4 p.m.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Learning Programs Development
(As Amended)

704 KAR 3:325. Effective Instructional Leadership Act.

RELATES TO: KRS 156.101

STATUTORY AUTHORITY: KRS 156.070, 156.101

NECESSITY AND FUNCTION: KRS 156.101 requires the State Board for Elementary and Secondary Education to establish specific criteria for implementing a statewide instructional leader improvement program for employees of the public schools holding valid certificates and performing responsibilities as principals, assistant principals, supervisors of instruction, guidance counselors or directors of special education. This regulation establishes and sets criteria for such a program.

Section 1. Definitions. The following definitions shall apply to this administrative regulation:

(1) "Instructional leader" means [-] a certified employee who is performing the responsibilities as principal, supervisor of instruction, guidance counselor, or director of special education.

(2) "Training provider" means [-] an established educational organization or private educational consultant who sponsors training programs.

(3) "Presenter" means [-] person who conducts the training program. The presenter can also be a training provider.

(4) "Training activity" [program] means [-] a structured improvement experience ~~[workshop or series of workshops]~~ focused on a specific goal with established objectives, activities, and procedures for evaluation.

(5) "Professional Development Standards Advisory Council" means [-] Council appointed by the Commissioner of Education to assist the Department of Education in reviewing and approving specific training activities.

Section 2. By July 13, 1994 [1992], and every two (2) years thereafter, each instructional leader employed by the public schools of the Commonwealth shall participate in an intensive and continuing training program of no less than forty-two (42) participant hours of instruction approved by the State Board for Elementary and Secondary Education. Completion of the required participant hours shall be reported, and penalties for nonparticipation in the program invoked,

in accordance with KRS 156.101(4).

Section 3. (1) Participation in the program is required for all those certified and employed at least one-half (1/2) time as instructional leaders. Under the provisions of 704 KAR 3:035 (annual professional development plan), local school districts are required to develop a plan for instructional leadership training as part of their Master Professional Development Plan.

(2) Instructional leaders must obtain the approval of the local superintendent or designee when selecting specific training offerings from the state-approved directory. [The approval of specific training for instructional leaders, as well as the selection of approved providers of such training shall be determined by the superintendent or designee of the local district.]

(3) Every two (2) years, each local school district shall send a verification form to the Kentucky Department of Education, recording the names of all instructional leaders, their position titles, their social security numbers, the dates they entered the two (2) year cycle, and the number of hours of training obtained during the two (2) year cycle.

(4) All participant verification forms and certificates shall be kept on file for six (6) years by each local district for each participant. In the event that a participant changes districts, the original file shall be sent to the instructional leader and a duplicate copy to the new district.

Section 4. (1) Instructional leaders shall participate in a training program designed to improve and maintain the quality and effectiveness of instructional leadership in the public schools of the Commonwealth. [The State Board for Elementary and Secondary Education may approve] Agencies, [or] institutions, and private educational consultants defined hereinafter as providers, may be approved to design, implement, and evaluate such training. Specific training activities [programs] approved within the program by the Department of Education and the Professional Development Standards Advisory Council [State Board for Elementary and Secondary Education] shall be:

(a) Intensive and designed specifically for instructional leaders. Participation shall occur during the contract period including extended employment, if applicable. Training shall be scheduled so as to minimize disruption of the instructional program of the district.

(b) Competency-based, specifying instructional leadership competencies to be mastered by participants. Competencies may have general applicability for instructional leaders or may be role-specific. The degree of competencies to be mastered shall be compatible with the stage of participant development for which the activity is designed. [Based on identified needs, the department may allow credit for required specific training.]

(c) Comprehensive in nature and shall meet identified needs of the Kentucky Education Reform Act (KERA). The needs include training in:

1. Preschool program;
2. Primary program;
3. Kentucky's learning goals, valued outcomes, and performance assessment of valued outcomes;
4. Research-based instructional strategies;
5. Development of school curricula aligned with KERA learning goals, the valued outcomes and the noncognitive school goals;
6. Education technology;
7. Learning and assessment for diverse populations;
8. School-based decision making; and
9. Leadership development necessary for implementing KERA.

(d) Based on identified needs, the state department may allow credit for required specific training. [Needs shall be identified as described in the program content, Section 4 of this regulation. To meet the criterion of comprehensiveness, a program shall contain the pertinent interrelated aspects of a broad competency area. This requirement shall not preclude approved subcontracting by providers for program components.]

(e) Characterized by follow-up activities to document the application of acquired competencies. To the optimum extent possible, these activities shall occur on the employment site.]

(e) Evaluated in terms of program content, instructional processes, and impact upon participants. Specifically, participant application of competencies shall be verified by random sampling utilizing local school district provider, and participant data.

(2)(a) During the initial two (2) year cycle of instructional leadership training in a job category, the instructional leader may count six (6) hours of credit toward the required forty-two (42) hours for attendance at conferences of established professional education organizations. After an instructional leader has completed the initial two (2) year cycle in a job category, he or she may count up to twelve (12) hours of credit per training cycle for attendance at education conferences. An instructional leader may acquire a maximum of six (6) hours of credit for each conference attended. [Such conferences shall be congruent with the instructional leader's annual growth plan and approved by the local superintendent or designee prior to attendance. Such conferences shall be submitted to the Kentucky Department of Education and the Kentucky State Board for Elementary and Secondary Education. When approved by the Kentucky State Board for Elementary and Secondary Education,] Instructional leaders shall be awarded certificates by their local district upon verification of attendance.

(b) Professional education organizations which [who] sponsor conferences may apply for full hour-for-hour instructional leadership training credit by submitting a proposal to be reviewed and approved by the Kentucky Department of Education and the Professional Development Standards Advisory Council. [approved by the Kentucky State Board for Elementary and Secondary Education.]

(3) The two (2) year cycle to which a training program shall be applied is determined by the date on which the last contact hour of a training program occurs. The two (2) year cycle is divided into halves for the purpose of prorating the forty-two (42) hour requirement of one who may become a participant after the beginning date of a two (2) year cycle. The halves and hour requirements are as follows:

(a) July 14 - July 13, first year of cycle - forty-two (42) hours by the end of the two (2) year cycle.

(b) July 14 - July 13, second year of cycle - twenty-one (21) hours by the end of the year.

(4) At the end of the two (2) year cycle a participant's verification of attendance at approved Effective Instructional Leadership Training sessions and programs and copies of program certificates shall be recorded with the administrator's school district.

(5) Excess hours (not to exceed twenty-one (21)) earned by a participant during the forty-three (43) day period of June 1 through July 13 at the end of a two (2) year cycle may be carried forward to the next two (2) year cycle and credited toward required hours for that cycle.

Section 5. The training program content shall consist of specific competencies consistent with the following definition of instructional leadership: Instructional leadership is the process of encouraging and modeling appropriate academic expectations of students and teachers in a positive school climate with affective, physical, and social needs to be considered as they relate to the cognitive development of students. The leadership competencies for the improvement of instruction for children and youth relate to an understanding of the teaching and learning process as well as to the supportive and evaluative functions of the instructional leader.

Section 6. Identification of needs shall provide the basis for the definition of specific instructional leadership competencies to be addressed within the parameters of the above definition.

Section 7. The provider of the training program shall:

- (1) Develop programs which meet the criteria identified above;
- (2) Select program faculty who have adequate, pertinent training and education, appropriate experience, and the ability to instruct effectively;
- (3) Meet identified needs consistent with the definition of instructional leadership cited in Section 4 of this regulation;
- (4) Identify in all informational literature the two (2) year cycle for which approval is granted, [and] the specific category(ies) of instructional leadership.

tional leader for which training is approved, the stage of participant development for which the activity is designed and the approval number assigned by the Department of Education;

(5) Conduct training as set forth in its proposal and as approved by the State Board for Elementary and Secondary Education;

(6) Award participants Kentucky Department of Education certificates of attendance and document, through an attendance roster for each training session, participation of instructional leaders to the local district superintendent and the Department of Education; and

(7) Evaluate the training in terms of its content, instructional processes and impact upon the professional behavior of participants.

Section 8. (1) The State Department of Education [Board for Elementary and Secondary Education], upon recommendation of the Professional Development Standards Advisory Committee [chief state school officer], shall perform the following duties:

(a) Approve training activities [programs] and providers; [and the Department of Education shall]

(b) Maintain and distribute a directory [list] of approved activities [programs] and providers; and

(c) Evaluate each training activity at least yearly to ensure quality control.

(2) Those activities not meeting the set standards shall be deleted from the state directory of approved activities.

Section 9. (1) Approval shall be granted for a period of up to two (2) consecutive years. Continuation of approval for another two (2) year period shall be granted upon receipt of a statement of request from the provider. ~~[The chief state school officer may revoke such approval if the provider does not implement the approved training program.]~~

(2) In order to protect bona fide institutions and organizations and to protect citizens of the Commonwealth from fraudulent practices, unfair competition and substandard educational training programs, the Kentucky State Board for Elementary and Secondary Education shall require that a provider seeking program approval meet the following criteria:

(a) An established organizational structure including a legally chartered or organized status or an interagency agreement;

(b) Legally appropriate officers or a governing body, membership representative of the education profession, and a verifiable domicile; and

(c) A record of effective sponsorship of in-service activities.

(d) Local districts and educational cooperatives may qualify as providers.

(3) Determination of approval as a provider shall be based upon:

(a) Submission of a provider's training program proposal to the Department of Education within thirty (30) [sixty (60)] days prior to the initial presentation of the training activity ~~[State Board for Elementary and Secondary Education meeting at which approval is requested];~~

(b) Specific program criteria; and

(c) ~~[Program]~~ Content focused on KERA components, addressing specified competencies of instructional leadership and specific categories of instructional leaders identified in training proposals.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the State Board for Elementary and Secondary Education, as required by KRS 156.070(4).

THOMAS C. BOYSEN, Commissioner

JOSEPH W. KELLY, Chairman

APPROVED BY AGENCY: May 12, 1992

FILED WITH LRC: May 14, 1992 at 4 p.m.

EDUCATION AND HUMANITIES CABINET
Department of Education
Learning Support Services
(As Amended)

704 KAR 3:440. Primary school program guidelines.

RELATES TO: KRS 156.160(1)(a)

STATUTORY AUTHORITY: KRS 156.070, 156.160(1)(a), 158.030(1)

NECESSITY AND FUNCTION: KRS 156.160(1)(a) requires the State Board for Elementary and Secondary Education to establish by regulation the standards that school districts shall meet in student, program service, and operational performance. KRS 158.030 establishes the primary school program and requires the promulgation of regulations to address methods for verifying successful completion of the primary school program.

Section 1. Definitions. The following definitions shall apply to this administrative regulation: ~~[Each elementary school shall design the primary school program to include the following seven (7) attributes: developmentally appropriate educational practices; multiage and multiability classrooms; continuous progress; authentic assessment; qualitative reporting methods; professional teamwork; and positive parent involvement. The definitions of these attributes are:]~~

(1) "Developmentally appropriate practices" means instructional practices that address the physical, aesthetic, cognitive, emotional and social domains of children and that permit them to progress through an integrated curriculum according to their unique learning needs.

(2) "Multiage and multiability classrooms" means flexible grouping and regrouping of children of different age, sex and ability who may be assigned to the same teacher(s) for more than one (1) year.

(3) "Continuous progress" means a student's unique progression through the primary school program at his own rate without comparison to the rate of others or consideration of the number of years in school. Retention and promotion with the primary school program are not compatible with continuous progress.

(4) "Authentic assessment" means assessment that occurs continually in the context of the learning environment and reflects actual learning experiences that can be documented through observation, anecdotal records, journals, logs, actual work samples, conferences and other methods.

(5) "Qualitative reporting methods" means progress is communicated through a variety of home-school communiques, which address the growth and development of the whole child as he progresses through the primary school program.

(6) "Professional teamwork" means all professional staff in the primary school program communicate and plan on a regular basis and use a variety of instructional delivery systems such as team teaching and collaborative teaching.

(7) "Positive parent involvement" means the establishment of productive relationships between the school and the home, individuals, or groups than enhance communication, promote understanding and increase opportunities for children to experience success in the primary school program.

Section 2. Primary School Program Attributes. Each primary school program shall include all the following attributes:

(1) Developmentally appropriate educational practices;

(2) Multiage and multiability classrooms;

(3) Continuous progress;

(4) Authentic assessment;

(5) Qualitative reporting methods;

(6) Professional teamwork; and

(7) Positive parent involvement.

Section 3. [2.] Students in the Primary School Program. (1) Children who attend the primary school program shall not be described as enrolled in a specific grade level. Students who transfer from a school system that uses grade levels of kindergarten through

third grade shall be enrolled in the primary school program and placed according to their developmental needs.

(2) Each elementary school shall design the primary school program to address the learning needs of all children who meet the entry age for the primary school program and who are not ready to enter the fourth grade. Individual placement decisions for children who are eligible for special education and related services shall be determined by the appropriate admissions and release committee, pursuant to 707 KAR 1:051.

Section 4. [3-] Curriculum. (1) The curriculum of the primary school program shall address the goals of education and the model curriculum framework set forth in KRS 158.6451.

(2) Instructional practices in the primary school program shall motivate and nurture children of diverse cultures; shall address the social, emotional, physical, aesthetic and cognitive needs of children; and shall be based upon the following principles of how young children learn:

(a) Young children learn at different rates and through different styles.

(b) Young children learn as they develop a sense of self-confidence in a positive learning environment.

(c) Young children learn best with "hands on" experiences where they are encouraged to question, explore and discover.

(d) Young children learn best through an integrated curriculum by engaging in real-life activities and learning centers.

(e) Young children learn best in a social environment where they can converse with others to expand their language and their thinking.

(3) Students enrolled in the primary school program shall progress through the curriculum at their individual learning rates.

(4) Parents and legal guardians of children enrolled in the primary school program shall receive regular reports at a minimum of four (4) times per year regarding the children's individual progress in meeting the goals of education set forth in KRS 158.6451(1) and successful completion of the primary school program.

Section 5. [4-] Implementation. (1) By June 15, 1992, each elementary school shall submit an action plan to the Department of Education describing the steps to be taken for beginning implementation in 1992-93 and full implementation by 1993-94 in order to implement the primary school program as described in this regulation. The procedures and instructions for the plan are contained in "Procedures for Developing the Primary Program Action Plan," effective date of April 1992, which is hereby incorporated by reference. This document may be inspected, copied, and obtained at the Kentucky Department of Education, Division of Early Childhood, 21st Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, Monday - Friday, 8 a.m. - 4:30 p.m.

(2) Beginning June 1, 1993, each elementary school shall submit an annual evaluation report to the Department of Education describing the steps to be taken to improve the quality of the primary school program. The evaluation report shall follow the format contained in "Procedures for Developing the Primary Program Action Plan" document cited in subsection (1) of this section.

(3) The action plan and subsequent evaluation reports shall include input from parents, teachers and support staff of children enrolled in the primary school program. The action plan and subsequent evaluation reports shall be adopted by the school-based decision making council if one exists, or by the local district superintendent if the school does not have a council.

(4) Each elementary school shall make the action plan and subsequent evaluation reports available for public inspection. A copy of the action plan and subsequent evaluation reports shall be kept on file by the local school district superintendent.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the State Board for Elementary and Secondary Education, as required by KRS 156.070(4).

THOMAS C. BOYSEN, Commissioner

JOSEPH W. KELLY, Chairman

APPROVED BY AGENCY: May 12, 1992

FILED WITH LRC: May 14, 1992 at 4 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Racing Commission
(As Amended)

810 KAR 1:024. Racing commission.

RELATES TO: KRS 230.210 et seq.

STATUTORY AUTHORITY: KRS **230.240** [Chapter 13A]

NECESSITY AND FUNCTION: To regulate conditions under which racing shall be conducted in Kentucky. The function of this administrative regulation is to outline the positions and duties of the commission.

~~[Section 1. Statutory Powers of the Commission. (1) The commission as constituted in KRS 230.220 shall be responsible as a body for the regulation of racing in Kentucky, under the terms defined in KRS Chapter 230 and other statutes pertaining to racing.~~

~~(2) Individual members of the commission may be assigned specific areas of responsibility; and, with the consent of the commission, may act with full authority of the commission in such areas.]~~

~~[Section 2. Commission Executive Director. The executive director of the commission shall be appointed by the Governor, for a term not to exceed four (4) years. He shall possess the powers and perform the duties imposed upon him by KRS Chapter 230 and shall perform other duties as the commission may direct.]~~

Section 1. The administrative staff of the commission may be composed of the following positions: [3- Administrative Staff. The following positions and duties may compose, with the executive director, the administrative staff of the commission:]

(1) Senior steward in overall supervision of all commission matters pertaining to racing;

(2) State steward, responsible for all commission matters at the race meetings to which he is assigned and for other duties as may be directed;

(3) Associate steward, who may be assigned by the commission to serve under the state steward as they may direct; **and** [-]

(4) Public relations director, responsible for the promotion of the thoroughbred industry in Kentucky.

Section 2. [4-] Commission License Administrator. (1) The commission may employ a person ~~[or persons]~~ who shall be responsible for:

(a) Processing license applications of all persons, other than associations, required to be licensed by 810 KAR 1:025; [1:024] and

(b) Collecting fees;

(2) License ~~[therefor. All license]~~ applications received by the license administrator shall be subject to approval by the:

(a) Licensing committee; and

(b) ~~[the]~~ Commission.

(3) The licensing administrator or his assistants shall:

(a) **(4-)** Be present on association grounds prior to the opening of a race meeting to accept license applications;

(b) ~~[and shall]~~ Maintain an office on association grounds to accept license applications during the race meeting;

(c) **File daily reports to the commission to include:**

1. A list of license applications;

2. An accounting of fees received; and

(d) **Forward all fees to the commission.**

~~[(2) File daily reports to the commission on license applications received with accountings of fees received and forwarded to the commission.]~~

(e) **(3-)** Be responsible for the photographing of license applicants for whom same is required; **and**

(f) [(4)] Be bonded.

Section 3. [6-] Commission Supervisor of Pari-mutuel Betting. (1) The commission shall employ or designate a supervisor, with accounting experience, who shall be responsible for:

(a) Certifying that the proper amounts have been paid from pari-mutuel pools to the:

1. Betting public;
2. Association; and
3. Commonwealth.

(b) Filing with the commission:

1. Verified reports accounting for daily pari-mutuel handle distribution;

2. Attendance for each preceding racing day; and

3. A final report at the conclusion of each race meeting. [The commission shall employ or designate a supervisor with accounting experience who shall be responsible for ascertaining whether the proper amounts have been paid from pari-mutuel pools to the betting public, to the association, and to the Commonwealth, by checking, auditing, and filing with the commission verified reports accounting for daily pari-mutuel handle distribution and attendance for each preceding racing day and a final report at the conclusion of each race meeting in the Commonwealth.]

(2) Daily race reports to the commission shall provide the:

(a) Number of horses started;

(b) Number of betting interests;

(c) Total money wagered in each betting pool;

(d) Sum of all betting pools;

(e) Total refunds;

(f) Total pari-mutuel handle for the comparable racing day for the preceding year;

(g) Cumulative total and daily average pari-mutuel handle for the race meeting;

(h) Amount of state pari-mutuel tax due;

(i) Taxable, tax exempt, and total admissions;

(j) Temperature, weather and track conditions;

(k) Post time of first race;

(l) Program purses;

(m) Distance and conditions of each race; and

(n) Any minus pools resulting, with explanation.

[(2) Daily reports to the commission shall show for each race: number of horses started, number of betting interests, total money wagered in each betting pool, and refunds, if any for each day. The sum of all betting pools, and total refunds also, total pari-mutuel handle for the comparable racing day for the preceding year, and cumulative total and daily average pari-mutuel handle for the race meeting.

[(3) Daily reports also shall show: amount of state pari-mutuel tax due, taxable admission, tax exempt admissions, total admissions, temperature, weather and track conditions, post time of first race; program purses, distance and conditions of each race, and any minus pools resulting with explanation.]

(3) [(4)] The commission supervisor of pari-mutuel betting shall submit to the commission on or before thirty (30) days after the close of each race meeting a final verified report giving in summary form a recapitulation of the daily reports for each race meeting and other information as the commission may require.

(4) [(5)] The commission supervisor of pari-mutuel betting or his representative shall have access to all association books, records, and pari-mutuel equipment [for checking accuracy of same].

Section 4. [6-] Commission Veterinarian. The commission shall employ a graduate veterinarian licensed in Kentucky and experienced in equine medicine and practice.

(1) The commission veterinarian shall:

(a) Advise the commission and the stewards on all equine veterinary matters;

(b) Supervise and control the detention area;

(c) Collect samples for the testing of horses for prohibited medication as outlined in 810 KAR 1:018;

(d) Inspect and report all horses entered for racing sound-

ness;

(e) Maintain and post in the racing secretary's office a veterinary list of horses ineligible to race because of sickness or unsoundness;

(f) Be responsible for:

1. The control of communicable equine diseases;

2. Insect control; and

3. Sanitary conditions in the stable area;

(g) Observe and report all cruel or inhumane treatment of horses to the stewards;

(h) Be attendant on the stewards and the racing secretary at scratch time each day;

(i) Examine horses as racing officials may request;

(j) Make prompt reports to the racing officials;

(k) Be present in the paddock for saddling;

(l) Inspect the horses for:

1. Physical fitness;

2. General conditions; and

3. Any unsoundness;

(m) Accompany each field to the starting gate;

(n) Observe all horses after the finish of each field.

(2) The commission veterinarian shall have the authority to determine that:

(a) A horse has suffered an injury:

1. While in the paddock;

2. During the post parade; or

3. At the starting gate; and

(b) A horse is unfit to race and shall recommend to the stewards that the horse be excused and placed on the veterinary list.

(3) All horses requested to be scratched for physical reasons after scratch time shall be inspected by a commission veterinarian, who shall report the condition of the horse to the stewards.

(4) Except as provided in 811 KAR 1:090, Section 13(1), the commission veterinarian shall not:

(a) Treat, prescribe, or sell any drug supplies for any horse registered to race at any race track where he is employed, except in case of emergency;

(b) Buy or sell, for himself or another, any horse under his supervision;

(c) Be employed by or receive any compensation whether directly or indirectly from any licensed owner or trainer;

(d) Wager on a race under his supervision;

(e) Sell insurance;

(f) Be licensed to participate in racing in any other capacity.

[The commission shall employ a graduate veterinarian licensed in Kentucky and experienced in equine medicine and practice. He shall advise the commission and the stewards on all equine veterinary matters. The commission veterinarian's prime responsibility shall be the supervision and control of the detention area and for the collection of samples for the testing of horses for prohibited medication as outlined in 810 KAR 1:018. The commission may employ persons to assist the commission veterinarian in maintaining the detention area and collecting specimens. Except as provided in 811 KAR 1:090, Section 13(1), the commission veterinarian shall not treat, prescribe, or sell any drug supplies for any horse registered to race at any race track where he is employed, except in case of emergency; nor shall he buy or sell, for himself or another, any horse under his supervision; nor shall he be employed by or receive any compensation whether directly or indirectly from any licensed owner or trainer; nor shall he wager on a race under his supervision; nor shall he sell insurance; nor shall he be licensed to participate in racing in any other capacity.

(1) The commission veterinarian shall be responsible for inspecting and reporting all horses entered for racing soundness; maintaining and posting in the racing secretary's office a veterinary list of horses ineligible to race because of sickness or unsoundness; control of communicable equine diseases; insect control; sanitary conditions in the stable area, and shall observe and report all cruel or inhumane treatment of horses to the stewards.

(2) The commission veterinarian shall be attendant on the

stewards and the racing secretary at scratch time each day, and shall examine horses as racing officials may request, and shall make reports to the racing officials as promptly as possible.

(2) A commission veterinarian shall be present in the paddock for saddling, shall inspect the horses for physical fitness, general conditions, and any unsoundness, shall accompany each field to the starting gate, and observe all horses after the finish of each. If, in the opinion of a commission veterinarian, a horse suffers an injury while in the paddock, during the post parade, or at the starting gate, which shall render the horse unfit to race, he shall recommend to the stewards that the horse be excused and placed on the veterinary list. All horses requested to be scratched for physical reasons after scratch time shall be inspected by a commission veterinarian, who shall report the condition of the horse to the stewards.]

Section 5. [7.] Commission Chemist. (1) The commission may acquire, operate and maintain a testing laboratory and related facilities, for the purpose of performing tests as the commission may require.

(2) The commission may employ a graduate chemist experienced in chemical testing techniques.

(3) The chemist shall:

(a) Conduct thoroughbred tests on:

1. Urine;

2. Blood; and

3. Other specimens.

(b) Report to the state steward all abnormal or prohibited substances found in a horse as listed in 810 KAR 1:018.

(4) The chemist shall not be responsible for a determination of the chemical effects on the physiology of a horse. [The commission chemist shall be a graduate chemist experienced in chemical testing techniques for conducting tests on urine, blood, and other specimens from thoroughbreds delivered to the commission chemist or his representative by the commission veterinarian.

(2) The commission chemist shall report to the state steward all substances he might find in his tests which are not normal in the body of the horse as outlined in 810 KAR 1:018. His duties shall be limited to these reports and need not include the possible effects on the physiology of a horse.]

Section 6. [8.] Chief Investigative Officer. (1) The commission may employ an investigator experienced in investigatory and security matters [police work] who shall advise the commission.

(2) The investigative officer shall:

(a) Perform background checks:

1. On any person on association grounds; or

2. Any license applicants, if:

a. He determines that a person's conduct or reputation:

(i) Reflects on the honesty and integrity of thoroughbred racing; or

(ii) Interferes with the orderly conduct of thoroughbred racing;

(b) Maintain a current file:

1. On persons against whom:

a. Racing jurisdiction rulings have been issued; and

b. Reported through the Association of Racing Commissioners International;

2. Of reports from investigations, arrest records, and other information compiled by:

a. The U.S. Trotting Association; and

b. Thoroughbred Racing Protective Bureau;

3. Of ejections or exclusions from association grounds in Kentucky and other racing jurisdictions;

(c) Investigate and ascertain the truth of statements made on license applications;

(d) Investigate possible infractions of racing administrative regulations at the request of the commission or stewards;

(e) Participate and cooperate on all investigations with members of the:

1. Track security police;

2. Thoroughbred Racing Protective Bureau; and

3. State and local police. [as to any person on association grounds, or among license applicants, whose conduct or reputation is such that the person's presence on association grounds may reflect on the honesty and integrity of thoroughbred racing or interfere with the orderly conduct of thoroughbred racing. The chief investigative officer shall:

(1) Maintain a current file on persons against whom rulings have been issued in racing jurisdictions and reported through the Association of Racing Commissioners International. The file also shall contain reports received from the U.S. Trotting Association and the Thoroughbred Racing Protective Bureau as to investigations, arrest records, and other information. The file shall also contain reports as to ejections or exclusions from association grounds in Kentucky and other racing jurisdictions.

(2) Investigate and ascertain the truth of statements made on license applications;

(3) Investigate possible infractions of racing administrative regulations at the request of the commission or stewards;

(4) Participate and cooperate with members of the track security police, Thoroughbred Racing Protective Bureau, state and local police on all other investigations pertaining to racing in the Commonwealth.]

Section 7. [9.] Commission Inspector. The commission may employ a person or persons who shall be responsible for ascertaining that all persons required to be licensed under 810 KAR 1:003 have the required license [same] in their possession on association grounds, and for conducting investigations on association grounds at the request of the stewards or the director of security.

Section 8. [10.] Horse Identifier. (1) The commission may employ a horse identifier who shall be responsible for the proper identification of all horses entered to be raced.

(2) The horse identifier may accompany the commission veterinarian on the prerace examination of all starters.

(3) The horse identifier shall:

(a) Certify that each starter in the paddock matches its registration certificate by examining the horse's:

1. Sex, age, color, markings, and lip tattoo; and

2. Photograph as an aid in identification;

(b) Notify the paddock judge and the stewards if he has any doubt as to the identity of a horse entered to be raced;

(c) Be responsible for the safekeeping and return to owners at the conclusion of the race the following:

1. Registration certificates;

2. Racing permits for horses; and

(d) Record information from registration certificates and racing permits. [The commission may employ a person or persons who shall be responsible for the proper identification of all horses entered to be raced. A horse identifier may accompany the commission veterinarian on the prerace examination of all starters. Every starter shall be examined in the paddock by a horse identifier for sex, age, color, markings, and lip tattoo, for comparison with its registration certificate; photographs may be used as an aid in identification. If a horse identifier has any doubt as to the identity of a horse entered to be raced, the horse identifier shall so notify the paddock judge and the stewards. The horse identifier shall also be responsible for safekeeping of registration certificate and racing permits for horses, recording information required thereon, and returning same to owners at the conclusion of the race meeting.]

Section 9. [11.] Investigative Powers. To ensure compliance with these administrative regulations or to investigate possible infraction of these administrative regulations, the commission and its representatives shall have free access to all offices, files, records, enclosures, property and facilities owned or possessed by associations or located on association grounds.

Section 10. [12.] Publication of Administrative Regulation Changes. All administrative regulations adopted, revised or repealed shall be promulgated pursuant to KRS Chapter 13A. [All administrative regulations adopted, revised, or repealed subsequent to the

publication of an administrative regulation or rule book shall be signed by the secretary and published by posting same with the effective date, in compliance with the statutes, of the change on the bulletin board in the racing secretary's office of each association, and by forwarding a copy of same to the Association of Racing Commissioners International, and to the Daily Racing Form or such publication as the commission may deem appropriate to advise the public of such changes for publication therein.]

WAYNE G. LYSTER, III, Chairman
APPROVED BY AGENCY: April 14, 1992
FILED WITH LRC: April 14, 1992 at 3 p.m.

**PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Racing Commission
(As Amended)**

810 KAR 1:025. Licensing thoroughbred racing.

RELATES TO: KRS 230.280, 230.290, 230.300, 230.310, 230.320 [230.210 et seq.]

STATUTORY AUTHORITY: KRS 230.215 [Chapter 13A]

NECESSITY AND FUNCTION: To regulate conditions under which thoroughbred racing shall be conducted in Kentucky. The function of this administrative regulation is to establish [outline] the licensing procedures and requirements for participation in thoroughbred racing.

[Section 1. License Required. No person, legal entity, or association shall conduct any thoroughbred race for any stakes, purse, or reward in the Commonwealth without first securing a license therefor from the commission. No person shall participate in thoroughbred racing in the Commonwealth as a horse owner, trainer, jockey, apprentice jockey, agent, stable employee, racing official, association employee, or employee of a person or concern contracting with the association to provide a service or commodity and which employment requires their presence on association grounds during a race meeting, or veterinarian, farrier, horse dentist, or supplier of feed, tack, medication, or horse feed, without first securing a license therefor from the commission.]

Section 1. [2. Conditions Precedent to Issuance of License. Thoroughbred racing and participation therein in the Commonwealth shall be privileges, not rights, granted only by the commission by license, subject to the conditions precedent established in these administrative regulations. Acceptance of a license shall be construed as consent and agreement to the following conditions precedent by the licensee and failure to comply shall be grounds for immediate voidance or revocation of the license:]

(1) Representations made on or with license application shall be complete and correct.

(2) Licensee shall abide by all rulings, and decisions of the stewards and all such decisions by the stewards shall remain in force unless reversed or modified only by the commission upon proper appeal. All rulings and decisions of the stewards may be appealed to the commission, except those made by the stewards as to findings of fact as occurred during and incident to the running of a race and as to determination of the extent of disqualification of horses in a race for fouls committed during the race. All such excepted rulings and decisions by the stewards shall be final with no right of review by the commission [or courts].

(3) Licensee shall consent to a reasonable search of his [person and] property in his possession by the commission or its representatives, the [such] property being restricted to that on association grounds and including, without limiting [thereby], tack rooms, living or sleeping quarters, motor vehicles, trunks, boxes, and containers of any sort, and licensee shall consent to seizure of any object which may be evidence indicating a violation of an administrative regulation. Licensee shall cooperate in every way with the commission or its representatives during the conduct of an investigation, to include

responding correctly under oath to the best of his knowledge to all questions asked by the commission or its representatives pertaining to racing matters.

(4) A licensed trainer shall be responsible for the condition of horses in his charge and shall be held to a high standard of care in taking all precautions as are reasonable and necessary to safeguard the horses from tampering. Upon a finding of a positive for a prohibited medication, drug, or substance, in a saliva, urine, blood, or other specimen taken from a horse, the trainer of the horse shall have the burden of proof showing freedom from negligence in the exercise of a high degree of care in safeguarding the horse from tampering.

Section 2. The commission may issue a license to an association which applies for a license to conduct a thoroughbred race meeting on days as the commission may deem appropriate. [3. Standards for Granting Licenses and Racing Dates to Associations. The commission may issue a license to any association which applies for a license to conduct a thoroughbred race meeting on such days as the commission may deem appropriate, if the commission finds that the proposed conduct of racing by the association would be in the best interest of the public health, safety, and welfare of the immediate community as well as to the Commonwealth, and if by reason of financial stability, track location, traffic flow, facilities for the public, facilities for racing participants and horses, character and reputation for honesty of all persons identified with the association, competence of proposed racing officials and association employees, absence of conflict with other race meetings in time and patronage area, sentiment of the community in which the association proposed to conduct a race meeting, and capability to comply with the administrative regulations and rulings of the commission, the licensing of the association would serve to nurture, promote, develop, or improve the thoroughbred industry in the Commonwealth. As a condition precedent to the issuance of the license, the commission may require a surety bond or other surety conditioned upon the payment of all taxes due the Commonwealth under KRS 137.170, 138.480, and 138.510, together with the payment of operating expenses including purses and awards to owners of horses participating in races.]

[Section 4. Standards for Granting Licenses to Participants in Racing. The commission may issue a license to any person who applies for a license to participate in thoroughbred racing in the Commonwealth as a horse owner, trainer, jockey, apprentice jockey, agent, stable employee, racing official, association employee, or employee of a person or concern contracting with the association to provide a service or commodity and which requires their presence on association grounds during a race meeting, or veterinarian, farrier, horse dentist, or supplier of feed, tack, medication, or horse feed, if the commission finds that the financial responsibility, age, experience, reputation, competence, and general fitness of the applicant to perform the activity permitted by a license, are consistent with the best interest of racing and the maintenance of the honesty, integrity, and high quality thereof.]

Section 3. [5. Grounds for Refusal, Suspension, or Revocation of a License. The commission in its discretion may refuse to issue a license to an applicant, or may suspend or revoke a license issued, or order disciplinary measures, on the following grounds:

(1) Denial of a license to an applicant, or suspension or revocation of a license in another racing jurisdiction; the commission may require reinstatement in the original racing jurisdiction where applicant was denied a license or where his license was suspended or revoked;

(2) Conviction of a crime or violation of any statute or administrative regulation dealing with a controlled substance;

(3) Falsification, misrepresentation, or omission of required information in license application to the commission; failure to disclose to the commission complete ownership or beneficial interest in a horse entered to be raced; misrepresentation or attempted misrepresentation in connection with the sale of a horse or other matter pertaining to racing or registration of thoroughbreds;

(4) Making false or misleading statements to the commission or

the stewards in the course of an investigation;

(5) Failure to comply with any order or ruling of the commission, stewards, or racing official pertaining to a racing matter;

(6) Ownership of any interest in, or participation by any manner in, any bookmaking, pool-selling, touting, bet solicitation, or illegal enterprise, or association with any person so engaged in such activity;

(7) Person less than sixteen (16) years of age;

(8) Person unqualified by experience or competence to perform the activity permitted by license as determined by standard examinations prescribed by the stewards;

(9) Intoxication, use of profanity, fighting or any conduct of a disorderly nature on association grounds;

(10) Employment or harboring of unlicensed persons required by these administrative regulations to be licensed;

(11) Discontinuance of or ineligibility for activity for which license was issued;

(12) Possession on association grounds, without written permission from the commission or stewards, of:

(a) Firearms;

(b) Battery, buzzer, or electrical device; or

(c) Other appliance other than an ordinary whip which could be used to alter the speed of a horse in a race or workout;

(13) Possession on association grounds by a person other than a licensed veterinarian of:

(a) Hypodermic needle, or hypodermic syringe, or other device which could be used to administer any substance to a horse; or

(b) Narcotics, medication, or drugs, or substance which could be used to alter the speed of a horse in a race.

(14) Use of profane, abusive, or insulting language to or interference with a commissioner, member of the commission staff, or racing official, while such persons are in the discharge of their duties;

(15) Cruelty to a horse or neglect of a horse entrusted to a licensee's care;

(16) Offering, promising, giving, accepting, or soliciting a bribe in any form, directly or indirectly, to or by a person having any connection with the outcome of a race, or failure to report knowledge of same immediately to the stewards;

(17) Causing, or attempting to cause, or participation in any way in any attempt to cause the prearrangement of a race result, or failure to report knowledge of same immediately to the stewards;

(18) Entering, or aiding and abetting the entering of, a horse ineligible or unqualified for the race entered;

(19) Drug addiction, bad moral character, intemperate habits, bad reputation for honesty, truth and veracity, or involvement in a subject of public notice as involved in any activity which, in the opinion of the commission, may be inconsistent with the best interests of racing by reflection on the honesty and integrity of the sport of racing, or association with persons so characterized;

(20) Violation of any administrative regulation of the commission, or aiding or abetting any person in violation of any such administrative regulation.

Section 4. [6-] License Applications for Associations. Any person or legal entity desiring to conduct thoroughbred racing in the Commonwealth may apply to the commission for association license. The application shall be made in writing on application forms prescribed by the commission. Applications shall be [and] filed at the commission general office on or before September 1 of the year preceding the calendar year in which the license is to be in force. The application shall contain:

(1) Name and location of track. Initial applications shall be accompanied by other physical information as the commission may require.

(2) Names and addresses of all officers, directors, stockholders, and other persons owning or controlling a beneficial interest in the association with such degree of ownership or type of interest shown; names and addresses of all persons capable of exercising any control over affairs of the association as trustee or guardian or lessor, or mortgagee, or fiduciary. Any corporation, partnership, or other legal entity which owns or controls a beneficial interest in the association

directly, or through other corporations or legal entities, shall similarly file with the application lists showing the names and addresses of all officers, directors, stockholders, and other persons owning or controlling a beneficial interest in the legal entities with such degree of ownership or type of interest thereunto pertaining. No application shall be acted upon by the commission until the commission is satisfied a full disclosure has been made.

(3) Days and hours thereof on which racing is requested to be conducted; and number of races to be run on each day.

(4) Names of racing officials and persons responsible for track security and fire protection.

(5) Proposed purse schedule, showing minimum purse, average daily distribution, added money for each stake, if any.

(6) An operating report on forms prescribed by the commission if applicant is currently licensed.

(7) Such other information as the commission may from time to time require to ascertain the fitness of the applicant to conduct racing.

Section 5. [7-] License Application for Participants in Racing. (1) Any person other than an association required to be licensed by Section 1 of this administrative regulation and desiring to participate in thoroughbred racing in the Commonwealth may apply to the commission for a license. The application shall be made in writing on application forms prescribed by the commission and filed at the commission general office or with the commission license administrator at the association on or after January 2 of the calendar year in which the license is to be in force, but not later than twenty-four (24) hours after applicant has arrived on association grounds.

(2) Applications from persons not previously licensed in Kentucky shall include the names of two (2) reputable persons who shall attest to the good reputation of the applicant and to the capability and general fitness of the applicant to perform the activity permitted by the license.

(3) Applications from persons whose age is not readily ascertainable by the licensing committee shall be accompanied by an attested copy of birth certificate or work permit showing applicant is sixteen (16) years or older.

(4) Fingerprint identification shall be required of all licensees, unless waived by the commission. Fingerprint identification shall not be required of absentee owners and casual delivery personnel who do not enter the stable area.

(5) Applications from persons, corporations, partnerships, lessors, or other legal entities involving more than one (1) individual person desiring to race horses in the Commonwealth shall, in addition to designating the person or persons to represent the entire ownership of the horses, be accompanied by documents which fully disclose the identity and degree and type of ownership held by all individual persons who own or control a present or reversionary interest in the horses. No application shall be acted upon by the commission until the commission is satisfied a full disclosure has been made.

(6) Applications from persons desiring to treat, or prescribe for, or attend any horse on association grounds as a practicing veterinarian, shall be accompanied by evidence that the person is currently licensed as a veterinarian by the Commonwealth of Kentucky. An accredited practicing veterinarian not licensed by the commission or the Commonwealth, however, may with permission of the stewards in an emergency be called in as a consultant, or to serve as a veterinarian for one (1) horse on a temporary basis, and shall not [thereby] be considered as participating in racing in this state.

(7) Applications from persons desiring to treat, or prescribe for, or attend any horse on association grounds as a dental technician shall be accompanied by the name of a licensed veterinarian who shall attest to the technical competence of the applicant and under whose sponsorship and direction the applicant shall work on association grounds.

(8) Applications from persons not previously licensed in the capacity of farrier shall not be forwarded with recommendation to the commission by the licensing committee until the applicant has successfully completed [been administered] a standard examination by an experienced farrier known to the stewards so as to provide the licensing committee a reasonable basis for recommendation as to the

technical proficiency of the applicant for a farrier's license.

(9) The following annual fees shall accompany the application and shall not be refundable:

(a) Thirty-five (35) dollars - owner license, trainer, assistant trainer, veterinarian, dental technician, blacksmith, farrier, or apprentice farrier license; jockey, farm manager/agent, racing official, steward, commission veterinarian, commission supervisor of pari-mutuel betting, commission director of security, commission license administrator, commission inspector, commission horse identifier; commission chemist, testing laboratory employee; racing department employee license, racing secretary, assistant racing secretary, director of racing, starter and assistant starter, paddock judge, patrol judge, placing judge, timer;

(b) Twenty-five (25) dollars - veterinarian assistant, stable-area supplier license (suppliers of horse feed, tack, medication, or food vendors); person employed by a concern contracting with the association to provide a service or commodity and which employment requires their presence on association grounds during a race meeting, jockey apprentice;

(c) Forty-five (45) dollars - jockey agent;

(d) Ten (10) dollars - association employee and occupational license, valet, jockey room custodian, clerk of scales, entry clerk, photo finish operator, film patrol or video tape operator and projectionist, flagman, or outrider, association security department including police chief, detectives, policemen, watchmen, firemen, ambulance drivers and attendants; track superintendent, groundsman, mechanics, carpenters; maintenance department manager and employees, admission department manager and employees; concessions manager and employees, parking manager and employees; all other persons employed by the association;

(e) Five (5) dollars - stable employee license (foreman, exercise boy, groom, hotwalker, watchman, or pony boy);

(f) Twenty (20) dollars - mutuel department employee license, manager, calculator, sheet writer, supervisor, ticket checker, ticket seller, ticket cashier, messenger, runner, outbook clerk, program clerk, porter, information and change clerk, boardman, ticket room and money room clerk, assistant, totalizator employee;

(g) Thirty (30) dollars - life colors.

Section 6. [8:] Licensing Committee. The commission may appoint a licensing committee including the executive director and commission steward or their designated representative. The licensing committee shall review all applications for all licenses, and forward all such applications to the commission with recommendations thereon, subject to security checks, for final action. The licensing committee may issue to a license applicant a temporary permit to participate in the activity for which license application was made pending administrative processing and final action on such license application by the commission.

Section 7. [9: Term of License. Licenses issued by the commission for participation in racing shall be valid from the date of issuance through the calendar year shown on such license at all race meetings conducted by associations in the Commonwealth during the calendar year, unless sooner suspended, revoked, or voided. The commission may renew any license. License renewal shall not be construed to be a waiver of or to condone any violation which occurred prior to the renewal and shall not prevent subsequent proceedings against the licensee.] The validity of a license does not preclude or infringe on the common law rights of associations to eject or exclude persons, licensed or unlicensed, from association grounds.

Section 8. [40:] Possession of License Required. No person required to be licensed by these administrative regulations may participate in any activity required to be licensed on association grounds during a race meeting without having been issued a valid license [thereof] and having the license in his possession. All licenses specified under Section 7(9)(b) to (f) of this administrative regulation shall include a color photograph of the licensee and shall be openly displayed on the backside of association grounds at all times.

Section 9. [44:] Applicability of Rules and Rulings to Household. Administrative regulations pertaining to, and rulings against, licensees shall apply in like force to the spouse and members of the immediate family or households of the licensee, unless there is a showing on the part of an affected spouse, or affected member of the immediate family or household of the licensee, and the stewards in their discretion so find, that the continuation of participation in racing by the affected person shall in no way circumvent the intent of the administrative regulation, or effect of the ruling, by permitting a person under the control or direction of the licensee to serve in essence as a substitute for a suspended licensee, or person ineligible to participate in a particular activity.

Section 10. [42:] Notice for Discontinuance of Employment. Licensed associations, racing officials, owners, trainers, jockeys, agents, farriers, stable employees, and all other licensees who have accepted with advance notice the conditions under which a race meeting is planned to be conducted, shall before terminating employment, engagements, or activities under such conditions, so notify the commission and respective interested persons or associations of his intention at least fifteen (15) days before termination. The commission shall upon notice to parties in interest conduct a hearing on the matter. If the commission finds that the cause of termination is unreasonable, unlawful, or contrary to these administrative regulations, the commission shall so advise all parties in interest and shall take appropriate action against offending parties. If the commission finds that the cause of termination is reasonable, lawful, and not contrary to these administrative regulations [rules], the commission shall so advise all parties in interest and shall use its best efforts to settle the dispute.

WAYNE G. LYSTER, III, Chairman

APPROVED BY AGENCY: April 14, 1992

FILED WITH LRC: April 14, 1992 at 3 p.m.

**PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Racing Commission
(As Amended)**

810 KAR 1:026. Racing associations.

RELATES TO: KRS 230.215 [230.210 et seq.]

STATUTORY AUTHORITY: KRS 230.215 [Chapter 13A]

NECESSITY AND FUNCTION: To regulate conditions under which racing shall be conducted in Kentucky. The function of this administrative regulation establishes [outlines] the requirements for racing associations.

Section 1. Maintenance of Grounds, Facilities and Uniform Track. Each association shall at all times maintain its grounds and facilities so as to be neat and clean, painted and in good repair, with special consideration for the comfort and safety of patrons, employees, and other persons whose business requires their attendance; with special consideration for the health and safety of horses there stabled, exercising, or entered to race; and shall have available adequate and proper implements to maintain a uniform track, weather conditions permitting.

Section 2. Results Boards, Totalizators Required. Each association shall provide and maintain mechanically operated totalizators and electronic boards showing odds, results, and other race information, located in plain view of patrons.

Section 3. Starting Gate. Each association shall provide and maintain a working starting gate on every day horses are permitted to exercise on its racing strip. Each association shall have in attendance one (1) or more persons qualified to keep the starting gates in good working order whenever the gates are in use, and each association shall provide for periodic inspections of the gates.

Section 4. Stabling. (1) All association barns and stalls shall be:

- (a) Constructed of fire-resistant materials;
- (b) Clean, sanitary and equipped for adequate drainage;
- (c) Maintained in good repair. ~~[Each association shall be responsible for providing and maintaining fire-resistant barns and stalls in good repair, and in a clean, and sanitary condition. Each barn and each stall shall be numbered in consecutive order for ready ascertainment of location and identification and adequate drainage therefor shall be maintained.]~~

(2) The racing commission shall submit to the racing secretary prior to the opening of each race meeting a list of locations of approved off-track stabling facilities from which horses may be permitted to race. The locations shall be considered for purposes of these administrative regulations "association grounds."

Section 5. Stands for Officials. Each association shall provide and maintain stands commanding an uninterrupted view of the entire racing strip for racing officials. The stands and location shall be approved by the commission. Patrol judge stands shall be constructed so the floor shall be at least six (6) feet higher than the track rail.

Section 6. Distance Pole Markings. Each association shall cause quarter poles to be painted red and white, eighth poles to be painted green and white, and 16th poles to be painted black and white.

Section 7. Lighting. Each association shall provide and maintain flood lights so as to insure adequate illumination in the stable area and parking area. Adequacy of track lighting for night racing shall be determined by the commission.

Section 8. Facilities for Stable Employees. Each association shall provide and maintain in good repair adequate living quarters and conveniently located sanitary facilities, which shall include showers, toilets, and wash basins for stable employees. No personnel shall be permitted to sleep in any stall or barn loft.

Section 9. Facilities for Jockeys. Each association shall provide and maintain adequate facilities for jockeys scheduled to ride each day. The facilities shall include accommodations for rest and recreation of jockeys on racing days, showers, toilets, wash basins, mirrors, arrangements for safekeeping of apparel and personal effects, snack bar, and other accommodations as requested by the clerk of scales.

Section 10. Facilities for Commission. Each association shall provide adequate office space for the commission on association grounds and shall make available to the commission, and mark accordingly, a season box of six (6) to eight (8) seats and appropriate parking places for use of the commission throughout each racing day. Each association shall honor for access to preferred parking facilities and all other areas on association grounds any ring, lapel button, or automobile emblem issued or designated as approved at any time by the commission, or by the Association of Racing Commissioners International.

Section 11. Sanitary Facilities for Patrons. Each association shall, on every racing day, provide adequate and sanitary toilets and wash rooms, and furnish free drinking water for patrons and persons having business at the association.

Section 12. Manure Removal. Each association shall provide and maintain adequate manure pits of the size and construction to handle refuse from stalls. The contents of the manure pits shall be removed from the stable area as promptly as is possible.

Section 13. Photo Finish Cameras. Each association shall provide and maintain at the finish line two (2) photo finish cameras for photographing the finish of races; one (1) camera to be held in reserve. The photo finish photographer shall promptly furnish to the stewards and placing judges prints of all finishes as may be request-

ed and in such number as may be required for public posting. The association shall maintain a one (1) year file of all photo finishes.

Section 14. Patrol Films or Video Tapes. Each association shall at all times during a race meeting provide and maintain personnel and equipment necessary to produce adequate motion pictures or video tapes and record each race from start to finish.

(1) Projection or viewing equipment shall be adequate to permit simultaneous showing of head-on and side-angle views of the running of each race.

(2) Films and video tapes, shall be retained and secured by the association for not less than one (1) year and shall be available at all times to the commission and stewards. Each visual record of a race involving any questions, dispute, or controversy shall be filed with the commission upon order of the stewards.

(3) Films, and video tapes, shall be made available for viewing at the track by licensees who owned, trained, or rode a horse in the race requested to be viewed, and to members of the press.

Section 15. Ambulances. Each association shall provide and maintain at least one (1) man-ambulance and at least one (1) horse-ambulance during times horses are permitted to exercise or race. The ambulances shall be equipped, manned, and ready for immediate duty, and shall be located at an entrance to the racing strip.

Section 16. First Aid Room. Each association shall equip and maintain adequate first aid facilities with not less than two (2) beds and attendance of a competent physician and registered nurse during race hours unless the association can transport injured individuals to a fully-equipped hospital emergency room in five (5) minutes or less in an ambulance manned by a certified paramedic and certified emergency medical technician. The ambulance shall be on standby on association premises during race hours. In the absence of a competent physician, paramedics shall be equipped, at a minimum, with the following equipment: heart monitor and defibrillator, cellular phone, and airways intubation equipment.

Section 17. Track Kitchen. Each association shall provide adequate eating facilities within the stable area, maintained in a clean and sanitary manner at all times horses are stabled on association grounds.

Section 18. Communication System. Each association shall install and maintain in good working service communication system between the stewards' stand and patrol judges, parimutuel department, starting gate, public address announcer, and clerk of the scales.

Section 19. Fire Prevention. Each association shall be responsible for maintaining an adequate program for fire prevention and fire suppression. Each association within fifteen (15) days before commencement of a race meeting shall be inspected by the state or local fire marshal whose certification that the association plant and stable area meet fire safety requirements is necessary for the commission to approve commencement of the race meeting. Each association shall maintain a firefighting unit of trained personnel equipped with high-expansion foam fire extinguishers and other equipment as may be recommended by the local fire inspection authority. Each association shall prohibit:

- (1) Smoking in stalls, under shed rows, and in feed rooms;
- (2) Open fires, oil or gas lamps in stable area; and
- (3) Locking of stalls occupied by horses.

Section 20. Association Police. Each association shall provide and maintain competent police and watchman services, night and day, in and about association grounds, and shall furnish daily to the commission a report on any disturbances, drunkenness, or disorderly conduct committed by any person on association grounds.

Section 21. Security. Each association shall cause to be excluded from association grounds all persons designated by order of the

commission or stewards to be excluded. Each association shall take measures to maintain security of horses on association grounds so as to protect from injury due to frightening [ef] or tampering with [said] horses. Each association shall exclude from the paddock area, race strip, and winner's entrance all persons who have no immediate connection with the horses entered except members of the commission, racing officials, and duly accredited members of the news media.

Section 22. Vendors and Suppliers. Each association shall supervise the practice and procedures of all vendors of food, horse feed, medication, and tack, who have entry to the stable area. No association by virtue of this section shall attempt to control or monopolize proper selling to owners, trainers, or stable employees, nor shall an association grant a concession to any vendor of feed, racing supplies, or racing services. Every vendor of horse feeds or medications shall file with the commission veterinarian a list of products which he proposes to sell, including any new preparation or medication. No association shall permit the sale of any alcoholic beverage, beer excepted, within the stable area.

Section 23. Ejection or Exclusion From Association Grounds. [(+) Exclusion from racing association grounds shall not be based upon race, creed, color, sex, or national origin.]

(2) ~~Associations shall eject or exclude from association grounds all persons believed to be engaged in a bookmaking activity or solicitation of bets or touting, and a report thereof shall be submitted promptly to the commission, to the stewards, and to the local police. Associations shall eject or exclude from association grounds all persons who as a business or for any compensation, shall, directly or indirectly, accept any thing of value to be wagered or to be transmitted or delivered for wager to any pari-mutuel wagering enterprise, or participate in any such transmission.]~~

(1) An association shall for probable cause eject or exclude from association grounds all persons:

(a) Believed to be engaged in a bookmaking activity or solicitation of bets or touting and promptly submit a report to the:

1. Commission;
2. Stewards; and
3. Police.

(b) Who as a business or for compensation, either directly or indirectly, accepts any thing of value to be wagered or to be transmitted or delivered for wager to any pari-mutuel wagering enterprise, or participate in the transaction; and

(c) Attempting to use tax exempt admissions credentials not issued to him by the association.

(2) [(a)] Associations shall eject or exclude from the stable areas on association grounds all persons, except those whose presence in the stable area is authorized as:

- (a) Persons licensed to conduct an activity, the conduct of which requires the presence of the licensee in the stable area;
- (b) Duly accredited members of the news media;
- (c) Guests of licensed owner or licensed trainer physically in the company of the owner or trainer;

(d) Persons physically in the company of and under the control and supervision of a racing official, association security guard, association public relations department representative.

(3) [(4)] Reports of all ejections or exclusions from association grounds for any reason shall be made immediately to the commission and the stewards. The reports shall state the name of all persons and circumstances.

Section 24. Ownership of Associations. Each association shall file with the commission a revised list of persons whose identity is required by 810 KAR 1:025, Section 6(2), immediately upon transfer of any beneficial interest or control in the association as from time to time may occur.

Section 25. Plan of Association Grounds. Each association shall file with the commission existing maps and plans of association

grounds, showing all structures, piping, fire hydrants, fixed equipment, racing strip, noting elevation as filled, drained, and gapped, and composition of track base and cushion. Each association shall file revised maps or plans of association grounds upon any material change as may occur from time to time.

Section 26. Attendance Report. (1) In addition to filing with the commission a copy of the report required by KRS 138.480 to be filed with the Department of Revenue on admission taxes, each association shall file with the commission daily attendance reports showing a turnstile count of all persons admitted to association grounds where pari-mutuel wagering is conducted. The attendance report shall indicate the daily number of paid admissions, taxed complimentary admissions, and tax exempt admissions.

(2) On request from the commission, each association shall file with the commission a current badge list showing the names of all persons issued tax exempt admission credentials.

(3) Tax exempt admission credentials shall not be transferable ~~[and associations shall exclude or eject from association grounds any person attempting to use tax exempt admissions credentials not issued to him by the association].~~

Section 27. Financial Report. In addition to filing with the commission copies of reports required by KRS 137.180 and 138.530 to be filed with the Department of Revenue on pari-mutuel and license taxes, each association shall furnish to the commission within sixty (60) days after the close of its fiscal year three (3) copies of its balance sheet and operating statement for the fiscal year along with a comparison to the prior year, which shall be duly sworn to by the treasurer of the association and certified by a licensed certified public accountant. The financial report shall be in a form as may be prescribed from time to time by the commission.

Section 28. Horseman's Bookkeeper. (1) Each association shall maintain a separate bank account, to be known as the "horsemen's account", with at all times sufficient funds in the account to pay all money owing to horsemen in regard to purses, stakes, rewards, claims, and deposits. Withdrawals from this account shall at all times be subject to audit by the commission, and the horsemen's bookkeeper in charge of the account shall be bonded.

(2) All portions of purse money shall be made available to earners [thereof] within forty-eight (48) hours, dark days excluded after the result of the race in which the money was earned has been declared official; except, [however,] when the stewards shall order money withheld until final adjudication of a dispute determining which persons are entitled to the money in dispute.

(3) No portion of purse money other than jockey fees shall be deducted by the association for itself or for another, unless so requested in writing by the person to whom the purse monies are payable, or his duly authorized representative. Irrespective of whether requested, the horsemen's bookkeeper shall mail to each owner a duplicate of each record of a deposit, withdrawal, or transfer of funds affecting such owner's racing account at the close of each race meeting.

Section 29. Outriders. Each thoroughbred association shall employ at least two (2) outriders to escort starters to the post and to assist in the returning of all horses to the unsaddling area. No outrider shall lead any horse that has not demonstrated unruliness, but shall assist in the control of any horse which might cause injury to a jockey or others. Each association shall provide traditional wearing apparel. Outriders shall be required to be present on the racing strip, mounted, and ready to assist in the control of any unruly horse or to recapture any loose horse, at all times horses are permitted on the racing strip for exercising or racing. All persons exercising horses during training hours, or accompanying horses to the starting gate during racing hours shall wear a protective helmet. The term "exercising" includes breezing, galloping, or ponying horses.

Section 30. Valets. Each thoroughbred association shall employ a sufficient number of persons licensed as valets to attend each

individual rider on a day's racing program. The valets shall be under the immediate supervision and control of the clerk of scales. No rider shall employ a valet or be attended by any person other than the valet assigned to him by the clerk of scales. No valet shall be assigned to the same rider for more than two (2) consecutive racing days. Valets shall be responsible for the care and cleaning up of his assigned riders apparel and equipment; shall insure his rider has the proper equipment and colors for each race; shall present the proper equipment and attend the saddling of his rider's mount; and shall attend the weighing out of his rider. No valet or other jockey room attendant may place a wager for himself or another, directly or indirectly, on races run while he is serving as a valet. Each association shall provide uniform attire for valets who shall wear same at all times while performing their duties within public view.

Section 31. Minimum Purse and Stakes Values. No thoroughbred association shall program or run any race the purse for which is less than \$2,000 in cash without special permission of the commission. No thoroughbred association shall program or run any stakes race the added value of which is less than \$10,000 in cash added by the association to stakes fees paid by owners. The minimum cash amounts paid by the association shall be exclusive of nomination, eligibility, entrance, and starting fees, and exclusive of other cash awards, premiums, prizes, or objects of value.

Section 32. Maximum Number of Races. No association shall program or run more than nine (9) races on any single racing day without special permission of the commission.

Section 33. Two (2) Year Old Races. Beginning on March 1 of each year, each thoroughbred association shall program in the conditions book at least four (4) two (2) year old races each week.

WAYNE G. LYSTER, III, Chairman
APPROVED BY AGENCY: April 14, 1992
FILED WITH LRC: April 14, 1992 at 3 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Racing Commission
(As Amended)

810 KAR 1:027. Entries, subscriptions and declarations.

RELATES TO: KRS 230.210 et seq.
STATUTORY AUTHORITY: KRS 230.260

NECESSITY AND FUNCTION: To regulate conditions under which thoroughbred racing shall be conducted in Kentucky. The function of this administrative regulation is to establish [outline] requirements for entry, subscription and declaration of thoroughbred horses in order to race.

Section 1. Definitions. (1) "Declaration" means the withdrawal of a horse from a race, before closing, by the owner, trainer, or person authorized [deputized] by either.

(2) "Scratch" means withdrawal of a horse entered from a race, after closing, by the owner, trainer, or person authorized [deputized] by either.

Section 2. Entering Required. No horse shall be qualified to start in any race unless it has been and continues to be duly entered therein. Entries or subscriptions for any horse, or the transfer of same, may be refused or cancelled by the association without notice or reason given.

Section 3. Procedure for Making Entries. (1) All entries, subscriptions, declarations, and scratches shall be filed with the racing secretary and shall not be considered as having been made until received by the racing secretary. The racing secretary shall maintain a record of the time of receipt of same for a period of one (1) year.

(2) An entry shall be in the name of a horse's licensed owner, as

completely disclosed and registered with the racing secretary under these administrative regulations and made by the owner, trainer, or a licensed authorized agent of the owner or trainer.

(3) An entry shall be in writing or [except that an entry may be made] by telephone to the racing secretary. Telephone entries shall be confirmed promptly in writing if requested by the stewards, the racing secretary, or an assistant to the racing secretary.

(4) An entry shall clearly designate the horse entered. When entered for the first time during a meeting, every horse shall be designated by name, age, color, sex, sire, and dam as reflected by its registration certificate.

(a) No horse shall race, unless correctly identified to the satisfaction of the stewards as being a horse duly entered.

(b) Establishing identity of a horse shall be the responsibility of its owner and of any other person seeking to certify the identity of the horse [identify it]. All such persons shall be subject to appropriate disciplinary action for incorrect identification.

(c) An entry shall clearly state all medications, drugs, or substances which the horse shall receive as prerace treatment. Medications, drugs, or substances shall be categorized into two (2) sections and shall be designated as follows: nonsteroidal anti-inflammatory drugs shall be designated by (B); and all bleeder medications shall be designated by (L). Horses racing for the first time with either of the above categories shall be clearly designated with (1).

(5) No alteration, except an error corrected with the permission of the stewards, shall be made in an entry after the closing of entries.

(6) No horse shall be entered in two (2) races to be run on the same day.

(7) A horse which has not started in the past ninety (90) days shall not be permitted to start unless it has at least one (1) published workout within twenty (20) days of entry at a distance satisfactory to the stewards of the meeting. If a horse has done the requisite workout, but through no fault of the trainer, the workout does not appear in the past performances, it shall be permitted to start and the correct workout shall be publicly displayed on the bulletin boards where photo finishes are shown at least fifteen (15) minutes prior to the first race and for the duration of the day's racing. The workouts shall be displayed on the television monitors and tote board for fifteen (15) minutes prior to the first race. A horse which has never started shall not be entered until the trainer has produced satisfactory evidence to indicate to the starter that it has been adequately schooled from the starting gate.

Section 4. Stabling Requirement. No entry shall be accepted for any horse not stabled on association grounds where the race is to be run, unless its stabling elsewhere has been approved by the commission in its approved off-track stable list.

Section 5. Limitation as to Spouses. No entry in a race shall be accepted for a horse owned wholly or in part by, or trained by, a person whose spouse is under license suspension at time of the entry. If the license of a jockey has been suspended for a routine riding offense, the stewards may waive the application of this section as to the duly licensed spouse of the suspended jockey.

Section 6. Mutuel Entries. (1) Horses entered in the same race and trained by the same trainer shall be joined as a mutuel entry and single betting interest; except as provided in subsection (5) of this section.

(2) Horses entered in the same race and owned wholly, or in part by the same owner or spouse thereof, shall be joined as a mutuel entry and single betting interest.

(3) No more than two (2) horses having common ties through ownership or training to be joined as a mutuel entry shall be entered in a purse race. When making a double entry of horses owned wholly, or in part by the same owner or spouse thereof, a preference for one (1) of the horses shall be made.

(4) Two (2) horses having common ties through ownership shall not start in a purse race to the exclusion of a single interest. In purse races where the number of starters is limited to ten (10) or less, two (2) horses having common ties through training shall not start to the

exclusion of a single entry.

(5) In thoroughbred stakes races with added money of \$100,000 or more, permission may be granted by the commission to uncouple mutuel entries of horses sharing common ties through training, which are owned by different owners.

Section 7. Subscriptions. (1) Any subscriber to a stakes race may transfer or declare a subscription prior to closing.

(2) Joint subscriptions and entries may be made by any one (1) of the joint owners of a horse. Each owner shall be jointly and severally liable for all payments due.

(3) Death of a horse or a mistake in its entry when the horse is eligible, shall not release the subscriber or transferee from liability for all stakes fees due. Fees paid in connection with a subscription to a stakes race that is run shall not be refunded, except as otherwise stated in the conditions of a stakes race.

(4) Death of a nominator or original subscriber to a stakes race shall not render void any subscription, entry, or right of entry [thereunder]. All rights, privileges, and obligations shall attach to the successor owner, including the legal representatives of the decedent.

(5) If a horse is sold privately, or sold at public auction, or claimed, stakes engagements for it shall be transferred automatically with the horse to its new owner. If the horse is transferred to a person whose license is suspended or otherwise unqualified to race or enter it, the subscription shall be void as of the date of the transfer.

(6) All stakes fees paid toward a stakes race shall be allocated to the winner [thereof] unless otherwise provided by the condition for the stakes race. If a stakes race is cancelled for any reason, all subscription fees paid shall be refunded.

Section 8. Closings. (1) Entries for purse races and subscriptions to stakes races shall close at the time designated by the association in previously published conditions for the races. If a race is not split, an entry, subscription, or declaration shall not be accepted after closing time. If a purse race fails to fill, or in case of an emergency, the racing secretary may extend the closing time, provided the approval of a steward has been obtained.

(2) If the hour of closing is not specified for stakes races, subscriptions and declarations may be accepted until midnight of the day of closing provided, they are received in time for compliance with every other condition of the race.

(3) Entries which have closed shall be complied without delay by the racing secretary and along with declarations, shall be posted.

Section 9. Number of Starters in a Race. (1) The maximum number of starters in any race shall be limited to the number of starting positions afforded by the association starting gate and extensions approved by the commission as can be positioned across the width of the track at the starting point for the race. The maximum number of starters further shall be limited by the number of horses which, in the opinion of the stewards, considering the safety of the horses and riders, and the distance from the start to the first turn, may be afforded a fair and equal start.

(2) At tracks measuring less than a mile in circumference, no more than ten (10) horses shall start in any race without consent of the stewards, and no more than twelve (12) horses shall start without approval of the commission.

(3) A claiming race in the printed condition book for which eight (8) or more horses representing different betting interests are entered shall be run. All other purse races in the printed condition book for which six (6) or more horses representing different betting interests are entered shall be run.

(4) If a purse race in the printed condition book fails to fill with the minimum number of entries required by subsection (3) of this section to be run, the association may cancel or declare off the race. The names of all horses entered in the race shall be publicly posted in the office of the racing secretary not later than 1 p.m. the same day.

Section 10. Split or Divided Races. (1) If a race is cancelled or declared off, the association may split any race programmed for the same day and which may previously have been closed. Races printed

in the condition book shall have preference over substitute and extra races.

(2) When a purse race is split, forming two (2) or more separate races, the racing secretary shall give notice of the split not less than fifteen (15) minutes before such races are closed in order to grant time for the making of additional entries to the split races.

(3) Division of entries upon the splitting of any race shall be made in accordance with the conditions under which entries and subscriptions were made, and in the absence of specific prohibition by such conditions:

(a) Horses originally joined as a mutuel entry may be placed in different divisions of a split race unless the person making the multiple entry, at the time of the entry, indicates such coupling of horses is not to be uncoupled if the race is split.

(b) Division of entries in any split stakes race may be made according to age, or sex, or both.

(c) Entries for any split race not divided by any method provided for in an administrative regulation, shall be divided by lot so as to provide a number of betting interests as nearly equal as possible for each division of such split race.

Section 11. Post Positions. Post positions for all races shall be determined by lot, drawn in the presence of those making the entries for the race. Post positions in split races also shall be redetermined by lot in the presence of those making the entries for the split race. The racing secretary shall assign pari-mutuel numbers for each starter to conform with the post position drawn, except when a race includes two (2) or more horses joined as a single betting interest.

Section 12. Also-eligible List. (1) If the number of entries for a race exceeds the number of horses permitted to start, as provided by Section 9 of this administrative regulation, the names of no more than eight (8) horses entered but not drawn into the race as starters shall be posted on the entry sheet as "also-eligible" to start.

(2) After a horse has been excused from a race at scratch time, a new drawing shall be taken as to horses on the also-eligible list. The starting and post position of horses drawn from the also-eligible list shall be determined by the sequence draw, unless otherwise stipulated in the published conditions of the race.

(3) An owner or trainer of a horse on the also-eligible list not wishing to start the horse in a race shall notify the racing secretary prior to scratch time for the race. The horse shall forfeit any preference to which it may have been entitled.

(4) If entries are closed two (2) racing days prior to the running of a race, a horse on an also-eligible list that has been drawn into a race as a starter for the succeeding day, shall not be permitted to run in the race for which it had been listed as also-eligible.

Section 13. Preferred List; Stars. (1) The racing secretary shall maintain a list of horses which were entered but denied an opportunity to race because they were eliminated from a race programmed in the printed condition book either by overfilling or failure to fill. The racing secretary shall submit, for approval of the commission at least thirty (30) days prior to the opening date of a race meeting a detailed description of the manner in which preference will be allocated.

(2) No preference shall be given a horse otherwise eligible for a race if it also is entered for a race on the succeeding day.

Section 14. Arrears. Unless approved by the racing secretary, no horse shall be entered or raced unless its owner has paid all stakes fees owed.

Section 15. Declarations. Declarations shall be made in the same form, time, and procedure as required for the making of entries. Declarations shall be irrevocable. No declaration fee shall be required by any licensed association.

Section 16. Scratches. Scratches shall be irrevocable and shall be permitted under the following conditions:

(1)(a) Except as provided in paragraph (b) of this subsection, a horse may be scratched from a stakes race for any reason at any

time up until fifteen (15) minutes prior to post time for the race preceding the stakes race by filing written notification of an intention to scratch with the racing secretary. Upon receiving a scratch from a stakes race, the racing secretary shall promptly notify the stewards and pari-mutuel manager, and shall cause public announcement of same to be made.

(b) If a list of also-eligibles has been drawn, scratches shall be filed at the regular scratch time as posted by the racing secretary. Thereafter, a horse shall not be excused without a valid physical reason.

(2) A horse shall not be scratched from a purse race unless:

(a) The approval of the stewards has been obtained; and

(b) Intention to scratch has been filed in writing with the racing secretary, or his assistant, at or before the time conspicuously posted as "scratch time." A scratch of one (1) horse coupled in a mutuel entry in a purse race shall be made at or before the posted scratch time, unless permission is granted by the stewards to allow both horses to remain in the race until a later appointed scratch time.

(3) In purse races, horses that are physically disabled or sick shall be permitted to be scratched first. If:

(a) Horses representing more than ten (10) betting interests in either of the two (2) daily double races; or

(b) Horses representing more than eight (8) betting interests in any other purse race, remain in after horses with physical excuses have been scratched, owners or trainers may be permitted at scratch time to scratch horses without physical excuses. Scratches down to respective minimum numbers for the races may be made. This privilege shall be determined by lot if an excessive number of owners or trainers wish to scratch their horses.

(4) Entry of a horse which has been scratched, or excused from starting by the stewards, because of a physical disability or sickness shall not be accepted until the expiration of three (3) calendar days after it was scratched or excused.

Section 17. Official Publication Statistics. In determining eligibility, allowances and penalties, the reports, records, and statistics as published in the Daily Racing Form, Racing Times or such publication as the commission may deem appropriate to advise the public and the monthly chart books, or corresponding official publications of any foreign county, shall be considered official, but may be corrected until forty-five (45) minutes prior to post time of the race.

WAYNE G. LYSTER, III, Chairman

APPROVED BY AGENCY: April 14, 1992

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PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Racing Commission
(As Amended)

810 KAR 1:028. Disciplinary measures.

RELATES TO: KRS 230.210 et seq.

STATUTORY AUTHORITY: KRS 230.210 [Chapter 13A]

NECESSITY AND FUNCTION: To regulate conditions under which racing shall be conducted in Kentucky. The function of this administrative regulation is to establish [outline] the disciplinary powers and duties of the stewards and commission.

Section 1. Definitions. "Steward" means a racing steward or racing judge.

Section 2. [2-] Disciplinary Measures by Stewards. Upon the finding of a violation of these administrative regulations, or an attempted violation, on association grounds during the conduct of a meeting at which the stewards have been appointed to serve, the stewards may:

(1) Declare ineligible for racing or disqualify in a race any thoroughbred as provided for under 810 KAR 1:012 and 1:016. Declare ineligible for racing or disqualify any licensed person in

violation of 810 KAR 1:025, Section 5 or in violation of any other administrative regulation contained in Chapter 810 or 811 of the Kentucky Administrative Regulations;

(2) Suspend the license of any person involved in a violation of an administrative regulation for a period of time not less than five (5) nor more than 365 days as may be deemed appropriate by the stewards in keeping with the seriousness of the violation;

(3) Cause any person, licensed or unlicensed, found to have interfered with, or contributed toward the interference of, the orderly conduct of a race or race meeting, or person whose presence is found by the stewards to be inconsistent with maintaining the honesty and integrity of the sport of horse [thoroughbred] racing, to be excluded or ejected from association grounds or any portion of association grounds; and

(4) In the case of a license suspension, the stewards may fix in the alternative a forfeiture not to exceed \$1,000, which sum the licensee may, if he so chooses, pay to the commission in lieu of such imposed license suspension.

Section 3. [2-] Disciplinary Measures by Commission. Upon the finding of a violation of these administrative regulations [rules] or an attempted violation on any association grounds during the conduct of a race meeting in the Commonwealth, the commission may:

(1) Declare ineligible for racing or disqualify in a race any thoroughbred or any licensed person found to be in violation of 810 KAR 1:025, Section 5 or in violation of any other administrative regulation contained in Chapter 810 or 811 of the Kentucky Administrative Regulations;

(2) Deny, suspend, revoke, or declare void the license of any person involved in a violation of an administrative regulation for a period of time not less than five (5) nor more than 365 days as may be deemed appropriate by the commission in keeping with the seriousness of the violation;

(3) The commission may eject or exclude persons from association grounds for any length of time the commission may deem is necessary; [~~Cause any person, licensed or unlicensed, found to have interfered with, or contributed toward the interference of the orderly conduct of a race or race meeting or any person whose presence is found by the commission to be inconsistent with maintaining the honesty and integrity of the sport of thoroughbred racing, to be excluded or ejected from association grounds for any length of time the commission may deem the presence of the person remains inconsistent with maintaining the honesty and integrity of the sport of thoroughbred racing in the Commonwealth;~~]

(4) Upon appeal and hearing de novo of a matter determined by the stewards, the commission may reverse or revise such stewards ruling in all respects; except as to findings of fact by the stewards' regarding matters that occurred during an incident to the running of a race and as to the extent of disqualification fixed by the stewards for a foul in a race; and

(5) In lieu of a license suspension or revocation, the commission may set a forfeiture in any amount, which the licensee may pay to the commission in lieu of the imposed license suspension or revocation. The forfeitures paid to the commission in lieu of shall not accrue to the personal benefit of any commissioner or steward(s).

WAYNE G. LYSTER, III, Chairman

APPROVED BY AGENCY: April 14, 1992

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PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Racing Commission
(As Amended)

810 KAR 1:029. Hearings, reviews and appeals.

RELATES TO: KRS 230.355 [230.210 et seq.]

STATUTORY AUTHORITY: KRS 230.355 [230.240]

NECESSITY AND FUNCTION: To regulate conditions under which racing shall be conducted in Kentucky. The function of this

administrative regulation establishes [outlines] the procedures and requirements relating to hearings, reviews, and appeals.

Section 1. Definitions. "Steward" means a racing steward or racing judge.

Section 2. [4-] Stewards' Hearing. (1) Before holding any stewards' hearing provided for under these administrative regulations, notice in writing shall be given to any party charged with a violation other than a routine riding offense occurring in a race unless waived in writing by the person charged.

(2) Prior to a steward hearing, the party charged with a violation shall be given the notice required by Section 3(1) of this administrative regulation. [The notice required by Section 2(1) of this administrative regulation shall:

(a) ~~Notify the party of the specific statute or administrative regulation the infraction for which he is charged, and a brief statement of the facts supporting the charge.~~

(b) ~~State the time and place of hearing.~~

(c) ~~State that the party charged may be represented by legal counsel, or by a representative of any racing trade organization of which he is a member.]~~

(3) All stewards' hearings shall be closed and the stewards shall cause no public announcement to be made concerning a matter under investigation until conclusion of the hearing, and the party charged has been notified of the decision.

(4) The state steward shall conduct the hearing in such a manner as to ascertain and determine the substantial rights of the parties involved and shall not be bound by technical rules of procedure and evidence.

(5) All testimony shall be given under oath and a record shall be made of the hearing, either by use of a tape recorder or by court reporter's transcript. The party charged with the violation may, however, waive the recording and the transcription of the testimony. The stewards shall not be required to receive testimony under oath in cases where their ruling is based solely upon a review of the video tapes of a race.

(6) If, at the conclusion of the hearing the stewards shall find that a statute or an administrative regulation has been violated, they shall promptly issue a written ruling which sets forth the:

(a) Full name of every person charged with the violation;

(b) Identification of the persons, if licensed, by license classification and address;

(c) [the] Statute or administrative regulation number and pertinent parts of the statute or administrative regulation violated;

(d) [the] Finding by the stewards as to the violation of the statute or administrative regulation; and

(e) [the] Penalty affixed by the stewards.

(7) Copies of the rulings shall be delivered to each party in interest, delivered to the commission, posted in the racing secretary's office, and forwarded to the office of the Association of Racing Commissioners International.

(8) [(7)] At least the state steward and one (1) association steward shall be present at all times at the hearing.

(9) [(8)] Review and appeal. Any party who is the subject of any order or ruling of the stewards may apply to the commission for a review of the stewards' order or ruling, except as to extent of disqualification for a foul in a race or as to a finding of fact as occurred during an incident to the running of a race.

(10) [(9)] Application for review. An application to the commission for review of a steward's order or ruling shall be made within ten (10) days after the order or ruling is issued in writing, and shall:

(a) Be in writing and addressed to the commission secretary at the commission general office;

(b) Contain the signature of the applicant, and the address to which notices may be mailed to applicant;

(c) Set forth the order or ruling requested to be reviewed and the date [thereof];

(d) Set forth the reasons for making the applications; and

(e) Request a hearing.

Section 3. [2-] Commission Hearings. Before holding any commission hearing provided for under these administrative regulations, the commission shall:

(1) Give written notice to all parties either personally or by mail. If indispensable and necessary parties propose a large class, notice shall be served upon a reasonable number thereof as representatives of the class. Notice as provided in this section shall include a statement of:

(a) Time and place of such hearing as designated by the commission and chairman. No hearing shall be less than five (5) days nor more than thirty (30) days after service of notice, unless at the request of a party and in order to provide a fair hearing;

(b) The legal authority and jurisdiction under which the hearing is to be held;

(c) Specific designation of the particular statute or administrative regulation alleged to have been violated; and

(d) A clear and concise factual statement sufficient to inform each party with reasonable definiteness of the type of acts or practices alleged to be in violation of the statute or administrative regulations promulgated thereunder. In fixing the times and places for hearings, due regard shall be had for the convenience of the parties and their representatives.

(2) The right of any party to subpoena witnesses and documentary evidence through the commission, employing the rights of discovery and use of subpoenas as would be available under the Kentucky Civil Rules of Procedure, pretrial and trial procedures also shall be governed by Kentucky Rules of Civil Procedure.

Section 4. [3-] Special Prosecutor. (1) The commission may request the Attorney General to appoint a special prosecutor to carry the burden of proof showing a statute or an administrative regulation violation. If the matter involves a violation and requires a proceeding of an adversary nature; the prosecutor shall be one who has had no prior participation in the matter of any kind. The commission also may request that the Attorney General, or a member of his staff other than the special prosecutor, serve as law officer for the commission to assist the presiding officer in rendering decisions of a judicial nature. The special prosecutor shall have the services of the Kentucky State Police for investigatory purposes.

(2) The commission shall:

(a) Permit all parties to be represented by counsel;

(b) Permit all parties to respond and present evidence and argument on all issues involved; **and**

(c) Permit all parties to examine commission memoranda and data and all other information which is or has been considered by the commission in investigating and hearing the matter or which may be offered as evidence.

(3) The commission shall administer oaths and issue subpoenas upon its own motion or when requested by an appearing party. Each party shall pay the cost of its subpoenas and the expenses of its witnesses. If a subpoena is disobeyed, any party may apply to the Franklin Circuit Court for an order requiring obedience; failure to comply with an order from the Franklin Circuit Court shall be cause for punishment as a contempt of the court under KRS 421.110.

(4) Unless varied by the commission, the order of proof in the de novo hearing may be:

(a) Evidence presented by the prosecution as to alleged violations;

(b) Cross-examination of prosecution witnesses and redirect examination;

(c) Evidence presented by a party charged, in defense or explanation;

(d) Cross-examination of party charged and his witnesses, redirect examination;

(e) Rebuttal or other evidence, on behalf of the prosecution or any other party in interest as deemed pertinent by the presiding officer;

(f) Closing argument by party charged; and

(g) Closing argument by prosecution.

(5) The commission shall keep a record of each hearing which shall include:

- (a) All pretrial and trial pleadings, motions, and interlocutory rulings;
- (b) All evidence received or considered;
- (c) A statement of matters officially noticed;
- (d) Questions and offers of proof and rulings [therein];
- (e) Proposed findings and exceptions;
- (f) All commission memoranda or data submitted to the commission in connection with the commission's consideration of the case;

(g) All stenographic recordings taken and transcriptions made. Oral proceedings shall be reported stenographically upon request of any party and shall be paid for by the parties desiring copies; and

(h) Final adjudication including findings of fact, based exclusively on evidence presented at the hearing and matters officially noticed, and any decision, opinion, and ruling by the commission on the matter.

(6) The commission may take official notice of technical facts or customs or procedures common to racing, but all parties to the hearing shall be duly notified. Each party shall have an opportunity to contest facts so noticed, including commission memoranda and commission data.

(7) Members of the commission participating in the adjudication of a matter before it shall not, directly or indirectly:

(a) In connection with any issue of fact in the matter before the commission, consult with any person or party who was engaged in the investigation or prosecution of the matter before the commission, or conduct any personal investigation outside the record, without giving an opportunity for all parties to participate.

(b) In connection with any issue at law, no party or representative shall be consulted without giving all parties an opportunity to participate.

(8) The commission may make an informal disposition of the matter by stipulation, agreed settlement, consent order, or by default.

(9) Upon conclusion of the hearing, the commission shall:

(a) Take the matter under advisement;

(b) Render a decision as promptly as possible; and

(c) Issue a ruling in final adjudication of the matter.

(10) The final ruling shall set forth the:

(a) Full name of every person charged with a violation;

(b) [the] Identification of the person, if licensed, by license classification and address;

(c) [the] Statute or administrative regulation number and pertinent parts of the statute or administrative regulation alleged to have been violated;

(d) A separate statement of findings of fact;

(e) A separate statement of conclusions of law;

(f) A separate statement of reasons for the decisions; and

(g) Penalties fixed by the commission, if any.

(11) Copies of the ruling shall be delivered to each party in interest, posted in the racing secretary's office of the association where the matter arose, and forwarded to the office of the Association of Racing Commissioners International.

Section 5. [4.] Appeal from Commission Order [or Ruling]. Any person or licensee aggrieved by any order or decision of the commission may appeal to the Franklin Circuit Court. The appeal shall be made within ten (10) days after the entry of the order or decision of the commission by posting and filing in the office of the Franklin Circuit Court Clerk:

(1) A bond to secure the costs of the action in a sum approved by the circuit clerk. The bond shall be secured by corporate surety approved by the Department of Insurance.

(2) An attested copy of the appealed order or decision [appealed from].

(3) An attested copy of the transcript of evidence heard by the commission and the cost of the transcript of evidence heard by the commission. The cost of the transcript shall be borne by the appellant. Appeals from a commission order or decision shall be taken as provided in KRS 243.560 to 243.590.

[Section 5. Suspensions Pending Appeal. Any person alleged to

have committed a violation under Section 1 of this administrative regulation may request a stay of imposition of the steward's sanction. Pending appeal, a hearing on the request for stay shall be held within forty-eight (48) hours of the request for a stay by the commission. If the commission is not able to hold a hearing within forty-eight (48) hours, the stay shall be automatically granted. It shall be the policy of the commission to grant stays, except:

(1) In any case where a licensee is alleged to have committed a flagrant violation of the status or prescribed administrative regulations of racing which presents a clear and present danger to the immediate integrity of racing; and

(2) Wherein it is impossible for the commission to secure necessary scientific evidence or indispensable witnesses within forty-eight (48) hours, then the commission or its designated hearing officer may refuse a request for the stay of any penalty imposed, as long as a hearing is held no later than thirty (30) days from the initial steward's determination of a violation.]

Section 6. Continuances. (1) All applications for continuance made prior to a hearing shall be in writing, shall set forth the reasons for the continuance [therefor], and shall be filed with the commission after giving notice of the application by mail or otherwise to all parties or their representative. At the time of the hearing, applications for continuance may be made orally. If requested, and in the manner prescribed by the commission, the party applying for the continuance shall substantiate the reasons contained in the application.

(2) If an application is made for continuance due to illness of an applicant, licensee, witness, or counsel, the [such] application shall be accompanied by a medical certificate attesting to such illness and inability.

(3) An application for continuance of any commission hearing shall be received by the commission at least ninety-six (96) hours prior to the time fixed for a hearing. An application received by the commission within the ninety-six (96) hour period shall not be granted unless a satisfactory arrangement in writing is made with the commission for the payment of all expenses resulting from the continuance. However, the commission may waive payment of the [such] expenses for extenuating circumstances.

(4) If the commission approves the application for continuance, the commission shall set a date for the continued hearing.

[Section 7. Commission Hearing Officer. (1) Any hearing authorized or required by KRS 230.210 to 230.360 may be conducted by the commission, or may be conducted by a hearing officer appointed by the commission to serve in its place. Hearings shall be conducted in the name of the commission at any time or place designated by the chairman. The hearing officer may, in receiving evidence on behalf of the commission, make rulings affecting the competency, relevancy, and materiality of evidence to be presented and upon motions presented during the taking of evidence so as to expedite the preparation of the case. The commission may require the entire record to be certified to it for initial decision, and the hearing officer shall submit written findings of fact, conclusions of law and recommendations which shall be incorporated in and become a part of the record. In the absence of a requirement by the commission that a record be certified to it for initial decision, the hearing officer shall render a decision, and the absence of either an appeal to the commission, or a review upon motion of the commission, the hearing officer's decision shall become the decision of the commission.

(2) A hearing officer may be a full-time employee, serve by contract, or be paid upon a per diem basis in the discretion of the commission.]

Section 7. [8.] Disqualification of Commission Members and Hearing Officer. A commission member or hearing officer may at any time withdraw from the proceeding if he deems himself disqualified, and upon the filing in good faith before the termination of the hearing of an affidavit of personal bias or disqualification of any member or hearing officer, the commission shall determine the matter as a part of the record and decision in the case. If a commission member or hearing officer withdraws or disqualifies himself, any other member of

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the commission participating in the hearing shall have the authority to complete the hearing and to participate in the decision. In cases where the hearing is conducted by the commission, members participating in the decision shall hear all the evidence, or shall read the evidence prior to making a decision on the evidence [therein]. At least a majority of the members of the commission shall hear all the evidence or read the record before making a final decision.

WAYNE G. LYSTER, III, Chairman

APPROVED BY AGENCY: April 14, 1992

FILED WITH LRC: April 14, 1992 at 3 p.m.

PUBLIC PROTECTION AND REGULATION CABINET Department of Housing, Buildings and Construction Division of Plumbing (As Amended)

815 KAR 20:090. Soil, waste and vent systems.

RELATES TO: KRS Chapter 318

STATUTORY AUTHORITY: KRS 318.130

NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation identifies and publishes the manufacturer's standard specification number of the material accepted in the installation and design of soil, waste and vent systems in all types of plumbing systems. This amendment (Section 26) allows an alternative for venting floor drains and open receptacles in commercial kitchens if the waste line discharges into a four (4") inch master trap before entering the sanitary sewer system. This amendment was approved by the Plumbing Code Committee on November 6, 1991 and the Board of Housing on January 23, 1992. [relates to material and the design of the soil, waste and vent systems that shall be used in all types of plumbing systems that are constructed throughout the Commonwealth. This amendment is necessary to bring the regulation into compliance with KRS Chapter 13A and to recognize a new standard for pipe which is designed for use in house sewers (Section 6 of this regulation). This amendment was approved by the state Plumbing Code Committee on November 6, 1991.]

Section 1. Grades and Supports of Horizontal Piping. Horizontal piping shall run in practical alignment and at a uniform grade of not less than one-eighth (1/8) inch per foot, and shall be supported or anchored in accordance with the manufacturer's recommendations but shall not exceed ten (10) feet in length. Stacks shall be supported at their bases and all pipes shall be rigidly secured. No-hub pipe and fittings shall be supported at each joint of pipe and fittings. Polyvinyl chloride and acrylonitrilebutadiene-styrene schedule forty (40) horizontal piping shall be supported at intervals not to exceed four (4) feet and at the base of all vertical stacks and at all trap branches as close to the trap as possible. Polyethylene pipe and fittings must be continuously supported with a V channel. Stacks shall be rigidly supported at their bases and at the floor level.

Section 2. Change in Direction. Changes in direction shall be made by the appropriate use of forty-five (45) degree wyees, half-wyees (1/2), quarter (1/4), sixth (1/6), eighth (1/8) or sixteenth (1/16) bends, except that a single sanitary tee may be used in a vertical stack, or a sanitary tee may be turned on its back or side at an angle of not more than forty-five (45) degrees.

Section 3. Prohibited Fittings. Double hub bends and double hub tees or inverted hubs shall not be used on sewers, soil or waste line. The drilling and tapping of house sewers or house drains, soil, waste or vent pipes, and the use of saddle hubs and bands shall be [is] prohibited. Double sanitary tees may be used on vertical soil, waste and vent lines. Pipes shall be installed without hubs or restrictions that reduce the area or capacity of the pipe.

Section 4. Dead Ends. In the installation of a drainage system, dead ends shall be avoided.

Section 5. Protection of Material. Pipes passing under or through walls shall be protected from breakage. Pipes passing through or under cinder, concrete, or other corrosive material shall be protected against external corrosion.

Section 6. Materials. Main or branch soil, waste and vent pipes and fittings within or underneath a building shall be hub and spigot extra heavy or service weight cast iron, no-hub service weight cast iron, aluminum, galvanized steel, galvanized wrought iron, lead, brass, Types K, L, M, DWV copper, standard high frequency welded tubing produced and labeled as ~~[conforming to]~~ ASTM B-586-73, Types R-K, R-L, R-DWV brass tubing, DWV brass tubing produced and labeled as [conforming to] ASTM B-587-73, seamless stainless steel tubing, Grade G or H produced and labeled as [conforming to] CS-268-68, polyvinyl chloride schedule 40 or 80 produced and labeled as [conforming to] ASTM D-2665-76, D-1784-75 and F-891, acrylonitrile-butadiene-styrene schedule 40 or 80 produced and labeled as [conforming to] ASTM D-2661-76, D-1788-73 or F-628, silicon iron or borosilicate. All mains or branch soil waste and vent pipe and fittings underground shall either be hub and spigot extra heavy or service weight cast iron, No-hub service weight cast iron, aluminum, Type K or L copper pipe, Type R-K, R-L brass tubing, lead, silicon iron or borosilicate pipe and fittings or plastics DWV identified in this section [listed above].

Section 7. Size of Soil and Waste Pipe per Fixture Unit on One Stack. The following table, based on the rate of discharge from a lavatory as a unit, shall be employed to determine fixture equivalents:

Pipe Size (In Inches)	Maximum Developed Length	Fixture Units
1 1/4	25 ft.	1
1 1/2	60 ft.	2
2	80 ft.	6
2 1/2	100 ft.	12
3	225 ft.	36
4		96
5		180
6		420
8		1200
10		2400
12		4200

Water closets shall be on a minimum of a three (3) inch waste with a maximum of three (3) water closets or soil discharging fixtures per three (3) inch stack.

Section 8. Soil, and Vent Stacks. Building in which plumbing fixtures are installed shall have a soil or waste and vent stack, or stacks extending full size through the roof~~[unless exempted in Sections 7 of this regulation]~~. Soil or waste and vent stacks shall be as direct as possible and free from sharp bends or turns. The required size of the soil or waste and vent stack shall be determined from the total fixture units connected to the stack in accordance with Section 7 of this regulation except that no more than three (3) water closets shall discharge into a three (3) inch stack.

Section 9. Future Openings. An existing opening or an opening installed in a plumbing system for future use shall be complete with its soil, waste and vent piping and shall comply with all other sections of this regulation.

Section 10. House Drain. (1) The size of the house drain shall be determined by the total number of fixture units connecting to the house drain. The total area of vents through the roof shall be equal to that of the house drain with a minimum of one (1) three (3) inch

stack.

(2) If a three (3) inch house drain enters a building, it shall be attached to a three (3) inch stack. One (1) floor drain shall be added to the house drain with a three (3) inch trap if it conforms with the requirements of Section 24 of this regulation, without counting toward the fixture units of the system.

Section 11. Soil and Waste Stacks, Fixture Connections. Soil and waste stacks and branches shall have correctly faced inlets for fixture connections. Each fixture shall be independently connected to the soil or waste system. Fixture connections to water closets, floor outlet pedestal sinks, pedestal urinals, or other similar plumbing fixtures shall be either cast iron, lead, brass, copper, or plastic closet bends. Three (3) inch closet bends shall have a four (4) inch by three (3) inch flange.

Section 12. Changing Soil and Vent Pipes in an Existing Building. In an existing building where the soil, waste and vent piping is not extended undiminished through the roof or where there is sheet metal soil or waste piping and the fixtures are to be changed or replaced, the piping shall be replaced with appropriate sizes and materials as prescribed for new work.

Section 13. Prohibited Connections. Fixture connections shall not be made to a lead bend or a branch of a water closet or a similar fixture. Vent pipes above the highest installed fixture on a branch or main shall not be used as a soil or waste pipe.

Section 14. Soil, Waste and Vent Pipe Protected. Soil, waste, or vent pipe shall not be installed or permitted outside a building unless adequate provision shall be made to protect it from frost. The piping shall be wrapped with one (1) layer of heavy hair felt and at least two (2) layers of two (2) ply tar paper, properly bound with copper wire, or the vent shall be increased to full size, the size of the increaser required as if it were passing through the roof.

Section 15. Roof Extensions. Roof extensions of soil and waste stacks shall run full size at least one (1) foot above the roof. If the roof is used for purposes other than weather protection, the extensions shall not be less than five (5) feet above the roof. Stacks of less than three (3) inches in diameter shall be increased to a minimum of three (3) inches in diameter before passing through a roof. If a change in diameter is made, the fitting shall be placed at least one (1) foot below the roof.

Section 16. Terminals. If a roof terminus of a stack or vent is within ten (10) feet of the top, bottom, face or side edge of a door, window, scuttle, or air shaft, and not screened from the opening by a projecting roof or building wall, it shall extend at least two (2) feet above the top edge of the window or opening.

Section 17. Terminals Adjoining High Buildings. Soil, waste or vent pipe extension of a new or existing building shall not run or shall not be placed on an outside wall, but shall be installed inside the building unless the piping is protected from freezing. If the new building is built higher than the existing building, the owner of the new building shall not locate windows within ten (10) feet of an existing vent stack on the lower building.

Section 18. Traps, Protected; Vents. Fixture traps shall be protected against siphonage and backpressure. Air circulation shall be assured by means of an individual vent. Crown vents shall not be permitted.

Section 19. Distance of Trap from Vent. (1) The distance between the vent and the fixture trap shall be measured along the center line of the waste or soil pipe from the vertical inlet of the trap to the vent opening. The fixture trap vent, except for water closets and similar fixtures, shall not be below the dip of the trap, and all ninety (90) degree turns in the waste line of the main waste, soil, or vent pipes shall be washed. Fixture traps shall have a vent located with a

developed length not greater than that set forth in the table below:

Size of Fixture Drain (In Inches)	Distance Trap to Vent
1 1/4	2 ft. 6 in.
1 1/2	3 ft. 6 in.
2	5 ft.
3	6 ft.
4	10 ft.

(2) A fixture branch on a water closet shall not be more than three (3) feet.

Section 20. Main Vents to Connect at Base. When a main vent or vent stack is used, it shall connect full size at the base of the main soil or waste pipe at or below the lowest fixture branch and shall extend undiminished in size through the roof or shall be reconnected with the main soil or vent stack at least six (6) inches above the rim of the highest fixture. This section shall not apply to one (1) and two (2) story installations. If it becomes necessary to increase a vertical vent stack, it becomes a main vent and shall comply with other sections of this regulation code.

Section 21. Vents; Required Sizes. (1) The required size of a vent or vent stacks shall be determined by the total number of fixture units it serves and the developed length of the vent, [in accordance with the following table:] interpolating, when necessary, between permissible length of vent given in the following table:

MAXIMUM PERMISSIBLE LENGTHS OF VENTS

Pipe Size (In Inches)	Maximum Length (In Feet)	Fixture Units
1 1/4	30	2
1 1/2	150	10
2	200	24
2 1/2	250	36
3	300	72
4	400	240
5	800	720

(2) Except for residential installations, if a fixture opening is installed more than twenty-five (25) feet of developed length from the point where it is connected to the main soil or waste systems, or, if more than ten (10) feet of vertical piping is used, the vent shall be continued full size through the roof or returned full size to the main vent.

Section 22. Branch and Individual Vents. A branch or individual vent shall not be less than one and one-fourth (1 1/4) inches in diameter and shall not exceed the maximum length permitted for a main vent.

Section 23. Vent Pipes Grades and Connections. Vent and branch vent pipes shall be free from drops or sags and be so graded and connected as to drip back to the soil or waste pipe by gravity. Where vent pipes connect to a horizontal soil or waste pipe, the vent branch shall be taken off above the center line of the pipe, and the vent pipe must rise vertically at an angle of forty-five (45) degrees to the vertical, to a point six (6) inches above the fixture it is venting before offsetting horizontally or connecting to the branch, main, waste, soil or vent.

Section 24. Vents not Required; Backwater Traps, Subsoil Catch Basin and Basement Floor Drains. Vents shall not be required on a backwater trap, subsoil catch basin trap or a basement floor drain if the basement floor drain branches into the house drain so that measuring along the flow line from the center of the stack, the floor drain shall not be closer than five (5) feet of the stack, nor farther

than twenty (20) feet. A basement floor drain shall not require an individual vent if it branches into the house drain so that measuring along the flow line from the center of the house drain the basement floor drain shall not be farther than ten (10) feet from the house drain.

Section 25. When Common Vent Permissible. Where two (2) water closets, two (2) lavatories or two (2) fixtures of identical purpose are located on opposite sides of a wall or partition, or directly adjacent to each other within the prescribed distance as set forth in Section 19 of this regulation measured along the center line of the flow of water, the fixtures may have a common soil or waste pipe and a common vent. It shall be vented in accordance with the other sections of this regulation.

Section 26. Floor Drain Individual Vent not Required. Manufacturers' floor drains shall not require individual vents when placed on a waste line for floor drains only within the prescribed distance of ten (10) feet from the main waste line, or stack, if the base of the stack is washed and the stack or stacks are undiminished through the roof, or connected to a main vent stack. Open receptacles may be connected to floor drain lines without being vented if the waste line discharges into a four (4) inch master trap before entering the sanitary sewer system.

Section 27. Floor drains and service sinks installed on the operational floor level of sewage and water treatment plant facilities which discharge into an open sump and are not connected directly to the sanitary sewage system shall not be required to be trapped or vented.

Section 28. House Drain Material. House drains shall be either extra heavy cast iron, service weight cast iron, brass Type (K) or (L) copper, lead, ABS or PVC plastic, or duriron.

Section 29. Indirect Waste Connections. Waste pipe from a refrigerator drain or other receptacle where food is stored or waste water from a water cooled compressor, shall connect indirectly with the house drain, soil or waste pipe. The drain shall be vented to the outside air. The waste pipes shall discharge into an open sink or another approved open receptacle that is properly supplied with water in accordance with other sections of this regulation. The connections shall not be located in an inaccessible or unventilated area.

Section 30. Bar and Soda Fountain Wastes. Bar and soda fountain wastes, sinks and receptacles shall have a one and one-half (1 1/2) inch P trap and branches. The main shall not be less than two (2) inches. The fresh air pipe shall not be less than one and one-half (1 1/2) inches. The main waste line shall discharge into a properly vented and trapped open receptacle inside or outside a building. Food storage compartment drains shall be indirectly connected through a trapped receptacle whose upper edge is raised at least one (1) inch above the finished floor line. Floor receptors or floor sinks installed specifically for the indirect wastes from tilting braising pans, tilting kettles and other similar equipment may be installed level with or slightly recessed in the floor if the receptor is equipped with a proper strainer and receives no other indirect waste.

Section 31. Open Receptacles. Soil or waste piping receiving the discharge from an open receptacle shall be at least six (6) inches above the surface of the ground when it discharges into a septic system.

Section 32. Refrigerator Wastes. Refrigerator waste pipes shall not be less than one and one-half (1 1/2) inches for one (1) to three (3) openings, and at least two (2) inches for four (4) to eight (8) openings. Each opening shall be trapped. The waste piping shall be equipped with sufficient cleanouts to allow for thorough cleaning.

Section 33. Overflow Pipes. Waste from a water supply tank or exhaust from a water lift shall not be directly connected to a house drain, soil, or waste pipe. The waste pipe shall discharge upon a roof

or into a trapped open receptacle.

Section 34. Acid and Chemical Wastes. Corrosive liquids shall not be permitted to discharge into the soil, waste or sewer system unless otherwise permitted by this regulation. The waste shall be thoroughly diluted or neutralized by passing through a properly constructed and acceptable dilution or neutralizing pit before entering the house sewer.

Section 35. Laboratory Waste Piping. Laboratory waste piping shall be sized in accordance with the other sections of this regulation. All fixtures shall be individually trapped. A continuous waste and vent pipe system may be used, if the waste discharges into a vented dilution pit outside the building with a vent equal to the size of the drain. The vent may be eliminated when a pit has a ventilated cover. If under certain conditions a dilution pit is not required and is not used, the fixtures shall be individually vented. If construction conditions permit, the base of the stack of the continuous waste and vent system shall be washed by the last fixture opening, and continue full size independently through the roof. Fixture branches exceeding more than the distance specified in the table in Section 19 of this regulation from the main shall be revented. The distance shall be measured from the center of the main to the center of the vertical riser. Fixture connections shall rise vertically to a height so that the trap shall not be lower than twelve (12) inches from the bottom of the sink. Two (2) or more sinks may be connected into a common waste before entering the riser of the continuous waste and vent system, if the fixtures are not more than five (5) feet from the center of one (1) fixture to the center of the other.

Section 36. Acid Waste Piping. Underground piping for acid wastes shall be extra heavy salt glazed vitrified pipe, silicon iron, lead, polyethylene pipe and fittings produced and labeled as [conforming to] ASTM D-1204-62T, polypropylene pipe produced and labeled as [conforming to] ASTM D-4101-85, or other materials approved by the department. Piping for acid wastes and vents above ground shall be of silicon iron, lead, borosilicate, or polyethylene pipe produced and labeled as [conforming to] ASTM D-1204-62T, polypropylene pipe produced and labeled as [conforming to] ASTM D-4101-85, or filament-wound reinforced thermosetting resin pipe produced and labeled as [conforming to] ASTM D-2996 (green or poly thread).

Section 37. Special Vents. Flat or wet vents serving a plumbing fixture shall be constructed only with special permission from the department when a plumbing system is being remodeled or when additions are added to an original system; except that flat vents in new construction may also be allowed in commercial buildings when the design of the building prohibits the type of venting required by other sections of this regulation.

Section 38. Basement Floor Drains and Sanitary Sewage Systems. Basement floor drains shall be connected to the house sewer and properly trapped and vented as set forth in this regulation. EXEMPTION: Basement floor drains, in single family dwellings, shall not be connected to the house sewer and shall be exempt from this section if, prior to the installation, the local health department or sanitary sewage system board, plant, district, or treatment plant owner notifies the Division of Plumbing, in writing, that connection is detrimental to the functioning of the sanitary sewer system or subsurface system. If the drain is not to be connected to the house sewer, the installation is also exempt from the waste, trap and venting provisions of the State Plumbing Code.

CHARLES A. COTTON, Commissioner
EDWARD J. HOLMES, Secretary
APPROVED BY AGENCY: May 5, 1992
FILED WITH LRC: May 15, 1992 at 10 a.m.

REGULATIONS AMENDED AFTER PUBLIC HEARING OR WRITTEN COMMENTS RECEIVED

KENTUCKY HIGHER EDUCATION
ASSISTANCE AUTHORITY
(Amended After Hearing)

11 KAR 3:100 Administrative wage garnishment.

RELATES TO: KRS 164.744(1), 164.748(4), (10), (15), 164.753(2), 20 USC 1095-1

STATUTORY AUTHORITY: KRS 164.748(4), (15), 164.753(2), 20 USC 1095-1

NECESSITY AND FUNCTION: Pursuant to KRS 164.744(1) and 164.748(2) the Kentucky Higher Education Assistance Authority has entered into agreements with the secretary to provide loan guarantees in accordance with Title IV, Part B of the federal act. KRS 164.748(10) empowers the authority to collect from borrower's loans on which the authority has met its guarantee obligation. Section 605 of PL 102-164 permits a student loan guarantee agency to garnish the wages of a borrower to recover on a loan guaranteed pursuant to Title IV, Part B of the federal act, notwithstanding any provision of state law. That section also permits the student loan guarantee agency to establish procedures for requesting and conducting a hearing related to the wage garnishment. This regulation is necessary to establish the procedures for implementing such wage garnishment in accordance with requirements of the federal act.

Section 1. Definitions. (1) The definition of "authority" is governed by KRS 164.740.

(2) "Borrower" shall mean the individual obligated to repay ~~recipient of~~ an insured student loan, repayment of which has been guaranteed by the authority to the lender.

(3) "Default" shall mean the failure of a borrower to make an installment payment when due, or to meet other terms of the promissory note or applicable regulations under circumstances where the lender or the authority finds it reasonable to conclude that the borrower no longer intends to honor the obligation to repay, provided that this failure persists for at least 180 days, for a loan repayable in monthly installments, or 240 days, for a loan repayable in less frequent installments.

(4) The definition of "disposable earnings" is governed by Section 488A(d) of the federal act.

(5) The definition of "federal act" is governed by KRS 164.740(9).

(6) The definition of "insured student loan" is governed by KRS 164.740.

(7) The definition of "participating lender" is governed by KRS 164.740(16).

Section 2. (1) Following payment of a claim by the authority to a participating lender by reason of the borrower's default in repayment of an insured student loan, the authority, acting through its executive director or other designee, may issue an administrative order for the withholding of the borrower's earnings which conforms to the requirements of this section.

(2) No order for withholding of disposable earnings shall be issued under this section nor become effective less than thirty (30) days after the authority provides to the borrower by personal service or certified mail, return receipt requested, a written notice. The notice shall include at least the following information:

- (a) The name and address of the borrower;
- (b) The amount of the debt determined by the authority to be due;
- (c) Information sufficient to identify the basis for the debt;
- (d) A statement of the intention of the authority to issue and order for withholding of disposable earnings and that the borrower's earnings and property are subject to both administrative and judicial enforcement;

(e) A statement of the borrower's rights to dispute the existence or amount of the debt or the terms of any prior repayment schedule other than a repayment schedule agreed to in writing pursuant to

paragraph (g) of this subsection;

(f) A statement of the borrower's rights to inspect and copy any records relating to the debt open to inspection in accordance with KRS 61.870 through 61.884;

(g) A statement of the opportunity to enter into a written agreement with the authority, on terms satisfactory to the authority, establishing a schedule for repayment of the debt;

(h) A statement that, unless there is good cause determined by the authority for the borrower's failure to timely request a hearing, the borrower's acquiescence to the withholding of disposable earnings will be presumed; and

(i) A statement that if the borrower requests a hearing but, fails to appear without good cause determined by the hearing officer, the hearing officer shall affirm the issuance of an order for withholding of disposable earnings.

(3) Notwithstanding Section 1(1) of this regulation, no amount shall be withheld from the disposable earnings of an individual during the first twelve (12) consecutive months of reemployment commenced within twelve (12) months following an involuntary separation from employment.

Section 3. (1) A hearing shall be provided if the borrower, on or before the 15th day following the date of mailing (as evidenced by the date of the notice) of the notice described in Section 2 of this regulation, files with the authority a written request for such hearing in accordance with procedures prescribed by this regulation. The timely filing of a request for a hearing (evidenced by the postmark date) shall automatically stay further collection activity under this regulation pending the outcome of the hearing. If the borrower requests a hearing, but the request is not timely filed, a hearing shall be provided, but the request shall not stay further action pending the outcome of the hearing. A hearing officer, appointed by the authority (who shall not be an individual under the supervision or control of the head of the authority, except that nothing contained in this sentence shall preclude the appointment of an administrative law judge [a regular employee of the authority]), shall conduct dispute hearings in Franklin County or, upon motion to the hearing officer and determination of undue burden upon the borrower, the county of residence or place of employment of the borrower, or any other location agreed by the parties. The hearing shall be mechanically, electronically or stenographically recorded.

(2) The hearing officer's decision, reason therefore and an explanation of the appeal process shall be delivered to the borrower and the authority no more than sixty (60) days after receipt of the request for the hearing. The decision shall establish the borrower's liability, if any, for repayment of the debt.

(3) Following the issuance of the hearing officer's decision, the borrower or the authority may file an appeal in Franklin Circuit Court, in accordance with the Kentucky Rules of Civil Procedure, which shall decide the dispute upon the hearing record. Where the borrower's liability is established by the hearing officer's decision, absent a showing of indigency by the borrower, an administrative order for withholding of disposable earnings may be issued forthwith by the authority, which shall, if the borrower's appeal is successful, return to the borrower any money received pursuant to the withholding order.

(4) The remedies provided in this section shall not preclude the use of other judicial or administrative remedies available to the authority under the laws of the Commonwealth and nothing contained in this section shall be construed to stay the use of other remedies.

Section 4. Hearing Procedure. (1) The borrower shall have the right to be heard by the hearing officer, be represented by counsel, present evidence, cross examine, and to make both opening and closing statements.

(2) Not less than ten (10) days prior to the scheduled hearing, the parties shall exchange a list of the names, addresses, and phone numbers of any witnesses expected to testify at the hearing and

copies of any documents expected to be introduced into evidence. Not less than ten (10) days prior to the scheduled hearing, the borrower shall submit to the counsel for the authority, a written statement of response specifically stating the basis of dispute and a legible copy of any documentation that the borrower intends to offer as evidence at the hearing, and facts recited in notice pursuant to Section 2(2) of this regulation that are not denied shall be deemed admitted. Each party shall remain under an obligation to disclose any new or additional items of evidence or witnesses which may come to their attention as soon as practicable. Noncompliance with this requirement shall be sufficient grounds for entry of an appropriate order by the hearing officer, including, but not limited to, postponement, dismissal of the appeal, quashing the withholding order, or vacating the stay.

(3) Order of proceeding. The hearing officer shall convene the hearing, identify the parties to the action and the persons present, admit into evidence the notice described in Section 2(2) of this regulation and the borrower's response described in subsection (2) of this section, solicit from the parties and dispose of any objections or motions, accept into evidence any documentary evidence not objected to, solicit opening statements, and proceed with the taking of proof. The taking of proof shall commence first by the borrower and then by the authority, with opportunities for cross-examination, rebuttal, and closing statements.

(4) Rules of evidence. The hearing officer shall not admit evidence that is excludable as a violation of an individual's constitutional or statutory rights or a privilege recognized by the courts of the Commonwealth. However, statutes or judicial rules otherwise pertaining to the admission of evidence in a judicial proceeding shall not apply to a hearing under this section, and the hearing officer may receive any evidence deemed reliable and relevant, including evidence that would be considered hearsay if presented in court, except that hearsay evidence shall not be sufficient in itself to support the hearing officer's decision. Copies of documents shall be admissible, and shall require only the minimal authentication necessary to establish a reasonable presumption of their genuineness and accuracy or may be admitted without objection. The hearing officer may exclude any evidence deemed unreliable, irrelevant, incompetent, immaterial, or unduly repetitious. At the discretion of the hearing officer, the parties may be allowed up to fifteen (15) days following the hearing to submit written arguments or briefs.

(5) Upon request of either party, the record of the hearing shall be transcribed, and shall be available to the parties at their own expense.

Section 5. (1) An administrative order issued by the authority to withhold disposable earnings shall be served upon [by] the borrower's employer personally or by certified mail, return receipt requested. A copy of the order shall be provided to the borrower. The order shall require the withholding and delivery to the authority of not more than ten (10) percent of the borrower's disposable earnings, except that a greater percentage may be deducted upon the written consent of the borrower.

(2) The order shall state the amount or percentage to be withheld and the amount of the debt, the statutory and regulatory basis [authority] therefore, and the time withholding is to begin.

(3) The order shall continue to operate until the debt is paid in full with interest accrued thereon at the prescribed rate in the promissory note or applicable law. The order shall have the same priority as provided to a judicially ordered garnishment prescribed in KRS 425.506.

(4) An employer who has been served with an administrative order for withholding of earnings shall answer the order within twenty (20) days. The employer shall be liable to the authority for any lawfully due amount which the employer fails to withhold from earnings due the borrower following receipt of the order, plus attorneys' fees, costs, and, in the discretion of a court of competent jurisdiction, punitive damages.

(5) No withholding under this section shall be grounds for discharge from employment, refusal to employ or disciplinary action against any employee subject to withholding under this section.

~~[(6) The employer may deduct the sum of five (5) dollars for each payment made pursuant to the order as reimbursement of processing cost.]~~

~~(6) [(7)]~~ The employer shall have no liability or further responsibility after properly, completely, and timely fulfilling the duties under this section.

Section 6. (1) Whenever this regulation requires delivery of a notice or other communication by personal service, said service may be made by any officer authorized under KRS 454.140 to serve process or by any person over the age of eighteen (18) years of age, who shall prove service by affidavit or by the signature of the person being served.

(2) Receipt of a notice or other communication by the borrower shall be rebuttably presumed if the person to be served or any other adult with apparent authority at the place of residence or employment last known to the authority signs a receipt or refuses to accept the notice or communication after identification and offer of delivery to the person so refusing.

(3) In the case of an administrative order to withhold disposable earnings served upon an employer, receipt shall be rebuttably presumed if the person to whom the order is directed signs or refuses to sign a receipt or if his employee or agent with apparent authority signs or refuses to sign a receipt.

WAYNE STRATTON, Chairman

APPROVED BY AGENCY: June 30, 1992

FILED WITH LRC: July 8, 1992 at 11 a.m.

**NATURAL RESOURCES AND ENVIRONMENTAL
PROTECTION CABINET
Department for Environmental Protection
Division of Water
(Amended After Hearing)**

401 KAR 5:010. Certification of wastewater system operators.

RELATES TO: KRS 224.10-110, 224.73-110 [224.032, 224.135]

STATUTORY AUTHORITY: KRS 224.01-110, 224.10-100, 224.10-110, 224.73-110 [224.032, 224.033, 224.046]

NECESSITY AND FUNCTION: The secretary is directed to adopt regulations applicable to certification of wastewater system operators. This regulation establishes standards for classification of wastewater systems; qualifications of applicants; examination procedures; duties of the Kentucky Board of Certification of Wastewater System Operators [board]; provisions relating to the issuance and [.] renewal [or revocation] of certificates; disciplinary actions; a fee schedule and other provisions necessary for certification of operators [.] and other operational provisions related to the functions of the wastewater operators certification board].

Section 1. Definitions. The following terms shall have the meanings set forth below unless the context clearly indicates otherwise:

(1) "Association of Boards of Certification" or "ABC" means that organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of water supply and wastewater systems, and assists authorities in establishing new certification programs and upgrading existing programs.

(2) [(4)] "Board" means the Kentucky Board of Certification of Wastewater System Operators.

(3) [(2)] "Cabinet" has the meaning given it in KRS 224.01-010. [means the Kentucky Natural Resources and Environmental Protection Cabinet.]

[(3)] "Secretary" means the secretary of the cabinet.]

(4) "Certificate" means a certificate of competency issued by the secretary or his designated agent stating that the operator has met the [all] requirements for the specified operator classification as set by this regulation.

(5) "Certified operator" means a wastewater operator employed at a wastewater system who has primary responsibility for the system or a portion thereof which may affect the performance of the system and who holds a certificate of competency meeting the requirements of this regulation.

(6) [(6)] "Division" means the Division of Water[- Natural Resources and Environmental Protection Cabinet].

(7) [(6)] "Operator" means any [the] person involved in the operation of a wastewater system [having primary responsibility of a wastewater system or any portion thereof which may affect the performance of the system].

(8) [(7)] "Primary responsibility" means having the authority to conduct [or supervise] the procedures and practices necessary to insure that the wastewater system or any portion thereof is operated in accordance with accepted practices, laws and administrative regulations of the Commonwealth, or to supervise others in conducting these practices.

(9) "Secretary" has the meaning given it in KRS 224.01-010.

(10) [(8)] "Wastewater system" means sewage system as defined in KRS 224.01-010. [the system of pipes, structures, equipment and processes required to collect, carry, and treat domestic, or industrial wastewater, or both, including solids handling. The term "wastewater system" is synonymous and interchangeable with the term "sewage system."]

[(9) "Association of Boards of Certification for Operating Personnel in Water and Wastewater Utilities (ABC)" means that organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of water supply and wastewater systems and state programs, and assists authorities in establishing new certification programs and upgrading existing ones.]

Section 2. General Provisions. (1) Each wastewater system shall be operated under the supervision of an individual holding a [current] Kentucky operator's certificate for at least the class of system [he or she] supervised. [Certified operators are required for the operation of all wastewater treatment facilities.]

(2) If the certified operator [with primary responsibility] is not physically present while a system is operating, the certified operator [he or she] shall be reasonably available. [Such] Availability shall be determined by the board and cabinet [on a case-by-case basis].

(3) Facilities whose classification changed from Class I to Class II as a result of revisions to Section 8 of this regulation as in effect on the effective date of this regulation shall employ a certified Class II or higher operator by January 1, 1994.

(4) Certificate display. If a wastewater system office is available at the wastewater treatment plant or within the sewer service area, the operator's certificate shall be prominently displayed on the wall.

(5) Wallet card. Certified operators shall carry the cabinet-issued wallet card showing current certification status while on duty.

Section 3. Duties of the Board. [(1)] In carrying out its responsibilities and with consideration given to the minimum standards and guidance of the ABC, the board may [shall among other things]:

(1) [(a)] Examine the qualifications of applicants and recommend qualified applicants to the cabinet for certification;

(2) Review and approve substitutions for education and experience requirements;

[(b) Recommend qualified applicants for certification by the cabinet.]

(3) [(c)] Review and provide comments to the cabinet on proposed wastewater treatment plant operator certification regulations; [or revisions to regulations dealing with wastewater treatment plant operator certification.]

(4) [(d)] Review and make recommendations to the cabinet on proposed training courses and seminars designed to provide continuing education to certified operators; [training materials and methods dealing with the certification of wastewater treatment plant operators.]

(5) Review and assist the cabinet in the preparation of examinations;

[(e) Perform such other and further acts as may be necessary to carry out the duties and responsibilities as herein described.]

(6) [(f)] Review and provide comments to the cabinet on proposed fees for the training and certification of operators; [approve by the first of January of the first year of the renewal period the draft schedule of reasonable fees submitted by the cabinet.]

(7) Review the certification regulations of states which are seeking reciprocity with the Commonwealth; and

(8) Review evidence and advise the cabinet regarding disciplinary actions for certified operators who fail to comply with the applicable laws and regulations.

[(g) Provide for distribution of the approved fee schedule to all affected operators prior to the beginning of each renewal period.]

(2) In carrying out its certification responsibilities, the board may establish minimum criteria and provide a general recommendation for certification for all applicants who exceed them.]

[Section 4. Application for Certification. (1) An operator desiring to be certified shall file application with the cabinet preceding examination on an application form provided by the cabinet.

(2) The executive secretary and treasurer of the board shall assemble all the information needed by the board or cabinet to determine eligibility of the applicant for examination and certification.

(3) The board or cabinet shall review applications and supporting documents, determine the eligibility of the applicant for examination and notify him or her of his or her status.]

Section 4. Application and [5.] Examinations for Certification. (1) Application. An individual desiring to be certified shall file an application with the cabinet and pay the applicable fee specified in Section 5 of this regulation. Applications shall be made on a form provided by the cabinet and incorporated by reference in Section 11 of this regulation. Applications shall not be filed with the cabinet until the individual has met the qualifications specified in this regulation.

(2) Examinations. The board and the cabinet shall be jointly responsible for preparation of the examinations which shall [(a)] be used in determining knowledge, ability and judgment of the applicants. The cabinet shall administer written exams unless the cabinet and board grant a waiver to allow an oral exam. Oral exams may be administered to applicants who meet the minimum qualifications of Section 10 of this regulation. The cabinet shall grade the examinations and notify the applicant of the outcome. Applicants shall achieve a score of seventy (70) percent to pass the examination. Examinations shall not be returned to the applicant, but results may be reviewed with a member of the board or cabinet upon written request by the applicant. [The examination questions promulgated by the ABC shall be used as a guideline.]

(3) Scheduling examinations. [(2)] Examinations shall be conducted at least semiannually [held] at places and times set forth by the cabinet. The cabinet shall provide advance announcement of these examinations. [The examinations shall be conducted at least semiannually.]

[(3) Except in cases which the board may decide represent proper exceptions, all examinations shall be written. All examinations shall be graded by the board, or by the cabinet and the applicant notified of the outcome. Papers shall not be returned to the applicant, but means will be provided to review the results with a member of the board or cabinet upon request by the applicant.]

(4) Exam content. The cabinet [Separate examinations] will [(b)] prepare[d] examinations to address the [cover] basic differences in the duties and responsibilities of certified operators, types of facilities, [variations in waste] water quality standards, conditions of receiving waters and other pertinent matters.

(5) Applicants who fail to pass an examination may register to take [reapply for] the examination again on [at] a regularly scheduled examination date [or by appointment with the cabinet].

Section 5. [6.] Fees. (1) Fees for certification of operators of wastewater systems shall not exceed the following:

(a) Examination: thirty-five (35) dollars.

(b) Renewal of certificate: thirty-five (35) dollars per biennium.

Limited certificates: twenty (20) dollars per year.

(c) Certification by reciprocity: thirty-five (35) dollars.

(d) Reinstatement of lapsed certificate: not to exceed thirty-five (35) dollars plus renewal fee.

(2) For training sessions conducted by the cabinet: not to exceed five (5) dollars per contact hour.

(3) Fees shall ~~accompanying applications will~~ not be returned to applicants ~~these~~ who do not pass the examination.

(4) The cabinet shall provide an estimate of program costs for the upcoming renewal period and a draft schedule of reasonable fees for that renewal period to the board for approval ~~by the first of November~~ prior to the beginning of the new renewal period.

Section 6. ~~[7.]~~ Issuance of Certificates. (1) Certification. Upon satisfactory fulfillment of the requirements of this regulation ~~[provided herein]~~ and upon recommendation of the board ~~[of certification]~~, the cabinet shall issue a ~~[suitable]~~ certificate to the applicant designating ~~[his or her competency. This certificate will indicate]~~ the classification of the wastewater system for which the operator ~~has demonstrated competency.~~ If information related to the operator's employment or mailing address changes from the application filed for certification, the certified operator shall provide written notification to the division within thirty (30) days. If a certified operator becomes permanently incapacitated while employed by a wastewater treatment plant, the employer shall notify the division. ~~[is qualified.]~~

(2) Duration and renewal of certificates.

(a) Certificates for all certified operator classes, except limited, as identified in Section 8 of this regulation, shall be valid for up to two (2) years after each renewal, unless suspended or revoked for cause or replaced by that of a higher classification. ~~[All]~~ Certificates shall expire ~~[at midnight]~~ on June 30 of odd-numbered years. Certificates may be renewed without examination, if the certified ~~[of]~~ operator is in good standing, upon completion of the required training hours outlined in subsection (7) of this section and ~~[shall be renewed automatically]~~ upon submittal of a complete renewal ~~[written]~~ application and ~~[submission of]~~ applicable renewal fees ~~[to be received by the cabinet before June 30 of each renewal year]~~. Application for certificate renewal shall be made on a form provided by the cabinet and incorporated by reference in Section 11 of this regulation. If the renewal application and fee are not received by the cabinet ~~by [prior to] June 30 [4],~~ the certificate shall be considered lapsed and shall not be reinstated without completion of the training required in subsection (7) of this section and payment of a reinstatement fee as provided in Section 5 ~~[6]~~ of this regulation. Expired certificates shall continue in force pending administrative processing of a renewal, if the certified operator is in good standing and has complied with the renewal requirements of this subsection by June 30 of the renewal year. Certificates continued under this paragraph shall remain fully effective and enforceable.

(b) Limited certificates shall expire on June 30 of each year. The cabinet may renew the limited certificate upon receipt of the renewal application if ~~[each year on midnight of the last day of February and may be renewed only after]~~ the certified operator has ~~[cabinet has timely received the required written application and renewal fee, and certified that the holder of the certificate has substantially]~~ complied with all requirements for proper operation of ~~[properly operating]~~ the facility under his supervision, and has submitted a complete renewal application and applicable renewal fees. ~~[or her responsible charge.]~~

(3) Certification for a higher classification. Certified operators who desire to become certified in a higher classification shall ~~[first]~~ satisfactorily complete the minimum requirements of Sections 4 and 10 of this regulation for the higher classification before submitting a new application ~~[certificate is issued]~~. Experience earned under a limited certificate shall ~~[does]~~ not count toward fulfillment of the qualifications for other classifications.

(4) Certificates shall be valid only while ~~[so long as]~~ the holder uses reasonable care, judgment, and application of his ~~[or her]~~ knowledge in the performance of his ~~[or her]~~ duties. ~~[No]~~ Certificates shall not be valid if obtained through fraud, deceit or the submission of inaccurate data on qualifications.

(5) Termination of a certification. ~~[The certificates of operators~~

~~who terminate their employment at a wastewater system will be valid for four (4) years provided they are renewed as required by subsection 2 of this section, except for limited certificate holders. After four (4) years, the] Certificates shall terminate if not renewed for two (2) consecutive renewal periods [will be automatically invalidated]. Limited certificates shall terminate [become invalid] immediately after the expiration date if not renewed. If a [Operator whose] certificate terminates, an operator shall apply, pay applicable fees and pass an examination in the classification for which he is qualified to be certified [are invalidated may be issued new certificates of like classification provided appropriate proof of competency is presented to the board. Successful completion of a written or oral examination shall be required by the board].~~

(6) Reciprocity. Certificates may be issued ~~[at the discretion of the board]~~ in a comparable classification, without examination, to a ~~[any]~~ person who holds a valid certificate in a ~~[any]~~ state, territory, or possession of the United States or a ~~[any]~~ country if ~~[provided]~~ the requirements for certification of operators under which the person's certificate was issued are no less stringent than the requirements for certification set forth in ~~[do not conflict with]~~ KRS Chapter 224~~[135]~~ and this regulation ~~[or this administrative regulation and are of a comparable standard;]~~ and, ~~providing further, that]~~ reciprocal privileges are granted to certified operators of ~~the Commonwealth [this state]~~.

~~[(7) Certificates shall be prominently displayed in the office of the operator.]~~

~~[(7) [(8)] Training requirements. Certified operators shall accumulate continuing education credits approved by the cabinet or board prior to applying for certificate renewal.~~

(a) Class I and II certified operators shall complete twelve (12) hours of training for renewal. Class III and Class IV certified operators shall complete twenty-four (24) ~~[have accumulated twelve (12)]~~ hours of training ~~[per year of appropriate board approved training]~~ for each ~~[certificate]~~ renewal. ~~[Class I and II operators shall complete six (6) hours of training per year for renewal. Such]~~ Training ~~[shall]~~ includes, but is ~~[may]~~ not ~~[be]~~ limited to, correspondence courses, short courses, trade association meetings, and on-the-job training courses. However, at least one-half (1/2) of the training required for recertification shall be in process control and operation or in the basic sciences related to these topics. Training hours accumulated ~~[in any biennium]~~ in excess of the minimum number required ~~[requirement necessary]~~ for renewal may be carried forward for a period of two (2) years from the date earned ~~[to the next renewal period]~~. No training is required for holders of limited ~~[or industrial]~~ certificates.

(b) Certified operators who teach board-approved training courses may receive, upon approval of the board, hour-for~~[per]~~-hour credit for actual instruction time~~[, except that for courses taught more than once during a renewal period, credit will be allowed for only one (1) period of instruction]~~.

(c) The criteria ~~[used]~~ for determining whether to approve training, other than the training provided by the cabinet, are:

1. The ability of the course to provide information that will enhance the proper operation and maintenance of wastewater treatment facilities; and

2. The ability of the instructor to properly present the ~~[such]~~ information.

(d) Alternate ~~[Therefore, in making its determination regarding approval of]~~ training courses may be considered by submittal to the division and review by the board ~~[the board will require that at least]~~ the following information ~~[specifies about the course to be submitted]:~~ the course name; the date, location, and a timed agenda for ~~[the beginning and ending times of]~~ the course; the credit hours being requested; a summary of the course content of sufficient detail to determine relevance and quality of the course; and the name and credentials of each instructor for the course.

(e) ~~[(d)]~~ The board may waive any ~~[or all]~~ of the requirements of paragraph (a) of this subsection for all or portions of a class of operators as identified ~~[defined]~~ in Section 9 ~~[44]~~ of this regulation ~~[when the board has determined, based on information it has gathered, that such action is appropriate and justified]~~.

Section 7. [8-] Disciplinary Action. A certified operator shall be subject to a disciplinary action identified in this section if the cabinet, in consultation with the board according to this section, determines that ~~[Revocation of Certificates. The cabinet may revoke the certificate of an operator, following a hearing before the board and upon recommendation by the board, when it is found that]~~ the certified operator has practiced fraud or deception in obtaining certification or filing cabinet mandated reports; has not used ~~[that]~~ reasonable care or ~~[:]~~ judgment ~~[or the application of his or her knowledge was not used]~~ in the performance of ~~[his or her]~~ duties; has failed to apply knowledge in the performance of duties; or ~~[that the operator]~~ is incompetent, ~~[or]~~ unable or unwilling to properly perform ~~[his or her]~~ duties.

(1) Sanctions. The disciplinary action shall be determined by the cabinet in accordance with the review procedures in subsection (2) of this section, and may take the form of the following sanctions depending on the severity, duration, and number of the violations. The sanctions may include, but are not limited to:

(a) Probation for a specified period of time, not to exceed one (1) year;

(b) Suspension of the operator's certificate for a specified period of time, not to exceed one (1) year, during which the certificate shall be considered void;

(c) Temporary or permanent revocation of the operator's certification (temporary revocations shall not be less than one (1) year or more than four (4) years in duration); or

(d) Civil or criminal penalties against the operator.

(2) Initial review procedures. Written complaints received by the board or cabinet on a certified operator, unless duplicitous or frivolous, shall be reviewed at the next regularly scheduled board meeting. If the charges warrant further investigation, the certified operator may be advised to appear before the board to discuss the charges levied. Upon completion of the review, the board shall make a recommendation to the cabinet regarding the operator's certification status. The board may recommend that no action be taken, that the cabinet impose a sanction identified in subsection (1) of this section, or any other action.

(3) Cabinet action. The cabinet shall review the evidence presented and the board's recommendations. Upon completion of the review, the cabinet will initiate the recommended action or notify the board as to why an alternative action was taken. The certified operator and his employer shall be advised by certified mail of the action, the reasons outlined for the action, and the length of time for which the sanction shall apply. A certified operator whose certificate has been suspended or revoked shall not have primary responsibility for a wastewater system during the period that the disciplinary action remains in effect. If a certification is permanently revoked, the operator shall be ineligible for future certification as a wastewater system operator. Experience gained during a suspension or temporary or permanent revocation shall not be included toward meeting the requirements of Section 10 of this regulation. An action taken by the cabinet pursuant to this section shall not preclude the cabinet from pursuing additional civil or criminal action.

(4) Sanction review and removal. During the operator's probation, suspension, or temporary revocation, the board and cabinet will monitor the operator's work activities. At the end of the sanction period, the board will recommend to the cabinet whether the sanction should be lifted or whether additional action is necessary against the certified operator.

(5) Appeal procedures. An operator who considers himself aggrieved by a disciplinary action may file a petition for hearing with the cabinet pursuant to KRS 224.10-420(2).

Section 8. [9-] Classification of Wastewater Systems. Wastewater systems shall be classified in one (1) of five (5) classes. These classifications shall be made according to population served, type of treatment process ~~[work]~~, character and volume of wastes to be treated, and the use and nature of the waters receiving the system effluent. Classifications I through IV shall be based on the population served or for which the system is designed, except that a system may be classified by the cabinet and board in a group lower or higher

than indicated if ~~[at the discretion of the cabinet by reason of]~~ the incorporation into the system of special features of design or characteristics makes the system easier or more difficult to operate than usual, or if ~~[by reason of]~~ conditions of flow or use of the receiving water require [requiring] an unusually low or high degree of system operation control, or if ~~[for]~~ combinations of these ~~[such]~~ conditions or circumstances exist. In addition, a limited classification is available for operators of wastewater facilities owned by ~~[at]~~ school systems. Classes I through IV are ~~[defined]~~ as follows:

(1) Class I: Systems with a design capacity of less than or equal to 50,000 ~~[300,000]~~ gallons per day.

(2) Class II: Systems with a design capacity more than 50,000 ~~[300,000]~~ gallons per day, but less than or equal to two (2) million gallons per day.

(3) Class III: Systems with a design capacity more than two (2) million gallons per day, but less than or equal to seven and one-half (7 1/2) million gallons per day.

(4) Class IV: Systems with a design capacity in excess of seven and one-half (7 1/2) million gallons per day.

Section 9. [10-] Classification of Wastewater System Operators. Five (5) classes of certified operators are hereby established and shall range from Class I through Class IV, plus limited. Each operator classification except for limited [is intended to] relates directly to the corresponding classification of wastewater system outlined in Section 8 of this regulation. ~~[In addition, there is hereby established an industrial classification for operators of facilities for pretreating wastewater prior to discharge into municipal sewers.]~~

Section 10. Certified [11-] Operator Qualifications: Experience, Education and Equivalencies. Applicants ~~[(1-)]~~ Operators shall be examined by the ~~[board or]~~ cabinet as to education, experience, and knowledge as related to the classification of wastewater systems for which the application applies ~~[examined]~~. Applicants may be required further to give evidence of good moral character, dependability, initiative, interest in his ~~[or her]~~ work, and other pertinent characteristics in relation to operation of the class of wastewater system for which certification is being applied. Applicants shall pass the required written examination unless granted a waiver to take an oral examination in accordance with Section 4(2) of this regulation.

(1) Classification of wastewater treatment plant operator certificates. (2) Experience and educational requirements for certification of operators shall be as follows:

(a) Class I:

1. Completion of high school or general education development (GED) efficiency [equivalent]; and

2. One (1) year of acceptable operation of a [applicable] wastewater system.

(b) Class II:

1. Completion of high school or GED efficiency [equivalent]; and

2. Two (2) years of acceptable operation of a [applicable] wastewater system ~~[of Class I or higher]~~.

(c) Class III:

1. Completion of high school or GED efficiency [equivalent]; and

2. Three (3) years of acceptable operation of a [applicable] wastewater system with one (1) year of that experience in a [ef] Class II or higher wastewater system.

(d) Class IV:

1. A baccalaureate degree in a standard curriculum in engineering, allied sciences or equivalent; and

2. At least five (5) years of acceptable operation of a [applicable] wastewater system. Three (3) years of the required experience shall be in a [ef] Class III or higher wastewater system with at least two (2) years of primary responsibility for a Class III or higher system.

(e) Limited: An operator of a wastewater treatment facility for a school shall be entitled to apply for a limited certificate of competency for the particular facility operated. The certification shall only be issued if the operator has demonstrated to the cabinet that he has the knowledge and experience required to properly operate the specific wastewater facility.

(2) Substitutions [(3)] In evaluating qualifications of operators and

experience or educational equivalencies, substitutions may be allowed as follows ~~[the board shall be guided by the following]:~~

(a) ~~If applicable, experience may be substituted for a portion of the educational requirements. [In order to establish how much experience will be accepted, the board shall determine whether the work performed required some technical knowledge of the work and whether or not responsible charge of work was included. In wastewater systems, where responsibility is divided, supervisors of important divisions may be credited with having responsible charge. Experience accumulated under an industrial certificate will be equivalent to Class I. No experience credit will be allowed for operation under a limited certificate.]~~

1. ~~[(b)] Experience, to be acceptable, shall be the result of satisfactory accomplishment of work. [Evaluation may be based on reports of the cabinet or other agencies having appropriate responsibilities for supervising wastewater systems.]~~

2. ~~[(c)] Partial credit may be given for operating experience in maintenance, laboratories or other work of wastewater systems and allied trades [such as plumbing].~~

3. ~~To establish how much experience will be accepted, the board shall determine whether the work performed required some technical knowledge and if the applicant was primarily responsible for the operation of the system. In wastewater systems where responsibility is divided, supervisors of important divisions may be credited with having primary responsibility.~~

4.a. ~~One (1) year of board-approved experience may be considered equivalent to one (1) year of high school. Four (4) years of board-approved experience may be considered equivalent to a high school degree or a GED, subject to the approval of the board. Operators requesting this substitution shall submit a written request to the cabinet and may be requested to appear before the board.~~

b. ~~Each year of experience in wastewater operations shall be equivalent to one (1) year of college. Four (4) years of experience approved by the board shall be considered equivalent to a baccalaureate degree.~~

c. ~~Experience applied to educational requirements shall not be applied to the experience requirement.~~

~~[(d)] Where applicable, education may be substituted for a portion of experience requirements as specified below:~~

1. ~~One (1) year of college work (limited to [approved] curricula in environmental engineering, environmental technology or related scientific fields) may be considered as equivalent to one (1) year [a maximum of two (2) years] of experience [or one (1) year of experience with responsible charge].~~

2. ~~[Where] Education [is] substituted for experience [it] shall not [exceed an amount which would] reduce the requirements of actual operating experience to less than six (6) months for Class I, [or] less than one (1) year for Class II, less than [or] two (2) years for Class III, or less than three (3) years for Class IV.~~

3. ~~Education applied to the experience requirement shall not [cannot also] be applied to the education requirement.~~

~~[(e)] Where applicable, experience may be substituted for education requirements as specified below:~~

1. ~~One (1) year of experience may be considered as equivalent to a maximum of one (1) year of high school. Four (4) years of board-approved experience may be considered equivalent to a high school degree.~~

2. ~~Each year of responsible charge or two (2) years experience in an important phase of operation, other than responsible charge, will be considered equivalent to one (1) year of college. Four (4) years of responsible charge approved by the board or eight (8) years of other board-approved experience may be considered equivalent to a baccalaureate degree.~~

3. ~~Experience applied to educational requirements may not also be applied to the experience requirement.]~~

~~[(f)] Substitutions for formal education may be as follows: [(4)] Training credits [(T-G)] for board approved operator training schools, seminars and technical courses may be substituted for high school and college requirements upon approval of the board. One (1) year of college work equals thirty (30) semester hours or forty-five (45) quarter hours. Six (6) classroom hours of board approved courses~~

~~[(shall)] equals one (1) training credit [(T-G)], and forty-five (45) training credits [(T-G)] equals eighteen (18) semester hours of college or one (1) year of high school. One (1) continuing education unit (CEU) shall equal ten (10) training credit hours. Training credits substituted for the education requirement shall not be used as continuing education for certificate renewal.~~

~~[2. An acceptable high school equivalency certificate may be used to substitute for graduation from high school.]~~

Section 11. Documents Incorporated by Reference for Wastewater System Certified Operators. The following documents are incorporated by reference and are available for public inspection and copying, subject to the copyright laws, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the Division of Water, 18 Reilly Road, Frankfort Office Park, Frankfort, Kentucky 40601:

(1) Drinking Water or Wastewater Operator Certification Application, Kentucky Division of Water, Frankfort, Kentucky, January 1992.

(2) Application for Certificate Renewal, Kentucky Division of Water, Frankfort, Kentucky, January 1992.

PHILLIP J. SHEPHERD, Secretary

JUDITH A. VILLINES, Commissioner

APPROVED BY AGENCY: July 8, 1992

FILED WITH LRC: July 9, 1992 at 1 p.m.

**NATURAL RESOURCES AND ENVIRONMENTAL
PROTECTION CABINET
Department for Environmental Protection
Division of Water
(Amended After Hearing)**

401 KAR 8:030. Water treatment plants; water distribution systems; certification of operators.

RELATES TO: KRS Chapters 223, 224

STATUTORY AUTHORITY: KRS 223.160 to 223.220, 224.10-100, 224.10-110, [Chapters 160-220, 223-224.032, 224.033, PL 93-523, The Safe Drinking Water Act, as amended in 1986 and by the Lead Contamination and Control Act of 1988, PL 100-572;] 42 USCA 300f, 300g, 300j, 40 CFR 141.2, as amended at 54 Federal Register 27526 and 27562 (1989)

NECESSITY AND FUNCTION: KRS 223.160-223.220 establishes a board of certification and authorizes the cabinet to establish a program requiring certification of water system operators. KRS 224.10-110 [932] directs the cabinet to enforce rules and regulations adopted by the secretary for the regulation and control of the purification of water for public and semipublic use. The Safe Drinking Water Act, as amended by the Safe Drinking Water Act Amendments of 1986, provides for primary enforcement responsibility by states that have adopted regulations "no less stringent than the national primary drinking water regulations", as well as meeting other criteria stipulated by the Act. The Commonwealth of Kentucky has accepted and is currently exercising the [such] primary enforcement responsibility. This regulation establishes standards for classification of water treatment plants and water distribution systems; qualifications of applicants; examination procedures; duties of the Kentucky Board of Certification of Water Treatment Plant and Water Distribution System Operators [board]; and provisions relating to the issuance and [renewal, and revocation] of certificates; disciplinary actions; and other provisions necessary for the certification of operators.

Section 1. General Provisions. (1) Direct responsible charge. Each public water system shall be operated under the supervision of a certified operator who is in direct responsible charge of the system. The certified operator in direct responsible charge shall hold a valid certificate in a class equal to or higher than that required for the system under his [or her] supervision. The certified operator in direct responsible charge may be an individual who has been assigned sole responsibility for the operation of the system, or who has been delegated the direct responsibility to supervise others in the perfor-

mance of their duties in operating the system. ~~[Except as otherwise specified in subsection (2) of this section,]~~ The certified operator in direct responsible charge shall be physically on the premises of the water treatment facility, ~~within the area of the distribution system,~~ or otherwise performing system-related duties within the system during the ~~[shift or]~~ shifts for which the operator is responsible, except as provided in subsection (2) of this section. System related duties include but are not limited to attending local government meetings, having parts repaired, purchasing supplies and maintenance of distribution system appurtenances.

(2) Shifts.

(a) Water treatment systems. Public water systems shall employ ~~[use]~~ a certified operator ~~[who is]~~ in direct responsible charge as specified in subparagraphs 1 through 4 of this paragraph;

1. Class I. ~~[All]~~ Operational procedures performed at Class IA-D or IB-D water treatment systems shall be conducted under the supervision of, or by, a certified operator.

2. Class II.

a. ~~[All]~~ Operational procedures performed at Class IIA water treatment systems serving a population less than 500 shall be conducted under the supervision of, or by, a Class IIA, IIIA or IVA ~~[or higher]~~ certified water treatment plant operator. ~~[All]~~ Class IIA water treatment systems serving a population equal to or greater than 500 and less than 3,000 shall be staffed with a Class IIA, IIIA or IVA ~~[or higher]~~ certified water treatment plant operator in direct responsible charge during the daytime shift. Operational procedures conducted during other shifts shall be conducted under the supervision of, or by, a Class IIA, IIIA or IVA ~~[or higher]~~ certified water treatment plant operator.

b. ~~[All]~~ Operational procedures performed at Class IIB-D water treatment systems shall be conducted under the supervision of, or by, a Class IIA, IIB-D, IIIA, IIIB or IVA ~~[or higher]~~ certified operator.

c. ~~[All]~~ Operational procedures performed at Class IIC-D water treatment systems shall be conducted under the supervision of, or by, a Class IIA, IIB-D, IIC-D, III or IV ~~[or higher]~~ certified operator.

3. Class III.

a. ~~[All]~~ Class IIIA water treatment systems shall be staffed with a Class IIIA or IVA ~~[higher]~~ certified water treatment plant operator in direct responsible charge of ~~[all]~~ shifts where water is treated.

b. ~~[All]~~ Class IIIB and IIIC water treatment systems shall be staffed by a Class III or IVA ~~[higher]~~ certified water treatment plant operator in direct responsible charge during the daytime shift. Operational procedures conducted during other shifts shall be conducted under the supervision of, or by, a Class III or IVA ~~[higher]~~ certified water treatment plant operator.

4. Class IV. ~~[All]~~ Class IVA water treatment systems shall be staffed with a Class IVA certified water treatment plant operator in direct responsible charge for ~~[all]~~ shifts where water is treated.

(b) Water distribution systems.

~~[1-All]~~ Operational procedures performed within water distribution systems ~~[having no booster chlorination or other water treatment capabilities]~~ shall be conducted under the supervision of, or by, a distribution system operator certified in a class equal to or higher than the class of the system.

~~[2-All]~~ Furthermore, water distribution systems having booster chlorination or other treatment capabilities shall be staffed with a certified distribution operator in direct responsible charge in a class equal to or higher than the class of the distribution system during the daytime weekday shift. ~~[Operational procedures conducted during other shifts shall be conducted under the supervision of, or by, a distribution system operator certified in a class equal to or higher than the class of the system.]~~

(3) Certifiable personnel. Persons who are under the supervision of the operator in direct responsible charge may become certified by the cabinet if they meet the appropriate education and experience requirements.

(4) Production personnel. Laboratory or distribution personnel and others who have significant routine input into the production or distribution of potable water may be certified if they ~~[can]~~ demonstrate to the satisfaction of the cabinet that they meet the education and experience requirements and possess the technical and practical

knowledge to perform the ~~[actual mechanical and other]~~ procedures involved in the operation of a water treatment plant or water distribution system.

(5) Semipublic system. Certified operators are not required for semipublic water systems. ~~[The systems shall be operated by competent operators.]~~

(6) Certificate display. If a water system office is available at the water treatment plant or within the distribution system, the operator's certificates shall be prominently displayed on the wall.

(7) Wallet card. Certified operators shall carry the cabinet-issued wallet card showing current certification status while on duty.

(8) Staffing compliance schedule. Class III and IV public water systems subject to the on-site staffing requirements of subsection (2) of this section shall comply with the staffing requirements by January 1, 1993.

Section 2. Duties of the ~~[Kentucky] Board [of Certification of Water Treatment Plant and Water Distribution System Operators].~~ In carrying out its responsibilities and with consideration given to the minimum standards and guidelines of the ABC, the board may [shall]:

(1) Examine the qualifications of applicants and recommend qualified applicants to the cabinet for certification;

(2) Review and approve ~~[all]~~ substitutions ~~[for [ef]]~~ education and [ef] experience requirements;

(3) Review and assist the cabinet in the preparation of examinations;

(4) Review and provide comments to the cabinet on proposed drinking water operator certification regulations; ~~[Review the results of examinations;]~~

(5) Review and provide comments to the cabinet on proposed training courses and seminars designed to provide continuing education to certified operators; ~~[Recommend qualified applicants for certification by the cabinet;]~~

~~[(6) Maintain records;]~~

(6) Review evidence and advise the cabinet regarding disciplinary actions ~~[(7) Recommend revocation of certificates]~~ for certified operators who fail to comply with the applicable laws and regulations of the Commonwealth;

(7) ~~[(8)]~~ Review the certification regulations ~~[for certification]~~ of states which are seeking reciprocity with the Commonwealth; and

~~[(9) Review applications and supporting documents and determine eligibility of applicants for examination; and]~~

(8) ~~[(10)]~~ Review and provide comments to the cabinet on proposed fees for training and certification of operators.

Section 3. Application and Examinations for Certification. (1) Application. An individual [operator] desiring to be certified shall file an application with the cabinet and pay the applicable fee specified in 401 KAR 8:050, Section 3. Application shall be made on a form provided by the cabinet and incorporated by reference in Section 9 of this regulation. Applications shall not be filed with the cabinet until the individual has met the minimum qualifications required in this regulation. ~~[Applications may be reviewed by the board.]~~

~~[(2) Determining eligibility. The executive secretary-treasurer of the board will assemble all the information needed by the board to determine eligibility of the applicant for examination and certification.]~~

(2) ~~[Section 4. Examinations. (1)]~~ Examinations. The board and ~~[the]~~ cabinet shall be jointly responsible for preparation of the examinations which shall ~~[to]~~ be used in determining knowledge, ability and judgment of the applicants. The cabinet shall administer written exams unless the cabinet and board grant a waiver to allow an oral exam. Oral exams may be administered to applicants who meet the minimum qualifications outlined in Section 8 of this regulation. The cabinet shall grade the examinations and notify the applicant of the outcome. Applicants shall achieve a score of seventy (70) percent to pass the examination. Examinations shall not be returned to the applicant, but results may be reviewed with a member of the board or cabinet upon written request by the applicant.

(3) ~~[(2)]~~ Scheduling examinations. Examinations shall [will] be conducted at least semiannually at places and times set by the cabinet. The cabinet shall provide ~~[with a suitable method of]~~

advance announcement of these examinations [s-provided-by-the cabinet].

(3) Examinations. Except in cases which the board decides are proper exceptions, all examinations shall be written. All examinations shall be graded by the cabinet, subject to appropriate review by the board, or by its designated representative, and the applicant will be notified of the outcome. Applicants shall achieve a score of seventy (70) percent in order to pass the examination. Papers will not be returned to the applicant, but means will be provided to review the results with a member of the board or cabinet upon written request by the applicant.]

(4) Exam content. The cabinet will prepare examinations to address the basic differences in the duties and responsibilities of certified operators, types of facilities, drinking water standards, surface and groundwater source characteristics and other pertinent matters.

(5) Applicants who fail to pass an examination may register to take the examination at a regularly scheduled examination date.

Section 4. [5.] Issuance of Certificates. (1) Certification. Upon satisfactory fulfillment of the requirements of this regulation and upon recommendation of the board, the cabinet shall [will] issue a certificate to the applicant designating the classification of the water treatment plant or water distribution system for which the operator has demonstrated competency. If information related to the operator's employment or mailing address changes from the application filed for certification, the certified operator shall provide written notification to the division within thirty (30) days. If a certified operator becomes permanently incapacitated while employed by a water treatment plant or distribution system, the employer shall notify the division.

(2) Duration and renewal of certificates.

(a) Certificates for all certified operator classes, except limited as identified [defined] in Section 6(4) [9(2)(h)] of this regulation, shall be valid for up to two (2) years after each renewal, unless suspended or revoked for cause or replaced by one of a higher and similar classification. Certificates [of operators] shall expire on June 30 of even-numbered years. Certificates [-but] may be renewed without examination, if the certified operator is in good standing; upon completion of the required continuing education hours outlined in subsection (7) of this section and upon submittal of a complete renewal [written] application and [submission-of-the] applicable [renewal] fees specified in 401 KAR 8:050, Section 3. Operators desiring renewal shall apply on a form provided by [return-renewal requests-to] the cabinet and incorporated by reference in Section 9 of this regulation by June 30 [4] of even-numbered years. Expired certificates shall continue in force pending administrative processing of a renewal, if the certified operator is in good standing and has complied with all the renewal requirements of this subsection by June 30 of the renewal year. Certificates continued under this paragraph remain fully effective and enforceable.

(b) Limited certificates shall expire on June 30 of each year. The cabinet may renew the limited certificate upon receipt of the renewal application if the certified operator [and shall be renewed upon request, after the holder of the certificate] has complied with all requirements for proper operation of the facility under his responsible [or her] charge and has submitted a written application and [the] applicable [renewal] fees specified in 401 KAR 8:050, Section 3. [Limited certificates terminate immediately if not renewed.]

(c) If operators have not requested and met the requirements for renewal of a certificate, the certificate shall lapse upon expiration and shall not be renewed without payment of the reinstatement fee specified in 401 KAR 8:050(3)(d) following procedures for reissuing set forth in Section 5(4) of this regulation.]

(3) Certification for a higher classification [Qualifications]. Certified operators who desire to become certified in a higher classification shall satisfactorily complete the requirements of Sections 3 and 8 of this regulation for the higher classification before submitting a new application [certificate is issued]. Experience earned under a limited certificate shall not count toward fulfillment of qualifications for other classifications.

(4) Certificates shall be valid only while the holder uses reason-

able care, judgment, and application of his knowledge in the performance of his duties. Certificates shall not be valid if obtained through fraud, deceit or the submission of inaccurate data on qualifications.

(5) [(4)] Termination of a certificate. If a certified operator fails to renew his certificate, [Reissuing. After four (4) years,] the certificate shall terminate after two (2) consecutive renewal periods. Limited certificates shall terminate immediately after the expiration date if they are not renewed. Once a [if not renewed. Operators whose] certificate has [s-have] terminated, an operator shall apply, pay applicable fees and pass [may have their certificates reinstated, or be issued new certificates after passing] an examination in the classification for which he is [they are] qualified to be certified [-except for those revoked by a cabinet action].

(6) [(6)] Reciprocity. Certificates may be issued in a comparable classification [may be issued], without examination, to a [any] person who holds a valid certificate in a [any] state, territory, or possession of the United States, or a [any] country, if [provided] the requirements for certification of operators under which the person's certificate was issued are no less stringent than the [any] provisions of KRS Chapter 223 and KRS Chapter 224 and this regulation [or the regulations promulgated pursuant thereto,] and reciprocal privileges are granted to certified operators of the commonwealth.

[(6)] Display. Wall certificates shall be prominently displayed in the office of the operator.

(7) Wallet cards. Wallet cards showing current certification status shall be carried by the operator at all times while on duty.]

(7) [(8)] Training requirements.

(a) Certified operators shall accumulate continuing education credits approved by the cabinet or board, prior to applying for certificate renewal.

1. This subparagraph shall apply to operators whose certification expires on or before June 30, 1992. Class I operators shall complete six (6) hours of training for renewal. Class II, III, and IV operators shall complete twelve (12) hours of appropriate cabinet-approved training for certificate renewal. Such training may include, but is not limited to, correspondence courses, short courses, trade association meetings, and on-the-job training courses. Training hours accumulated [completed in any given biennium] in excess of the minimum number required [requirement necessary] for renewal may be carried forward for two (2) years [one (1) renewal period]. No training is required for operators with [holders of] limited certificates.

2. This subparagraph shall apply to operators whose certification expires after June 30, 1992. Class I and II certified operators shall complete twelve (12) hours of training for certificate renewal. Class III and IV certified operators shall complete twenty-four (24) hours of training for certificate renewal. Training includes, but is not limited to, correspondence courses, short courses, trade association meetings, and on-the-job training courses. Training hours accumulated in excess of the minimum number required for renewal may be carried forward for two (2) years from the date earned. No training is required for operators with limited certificates.

(b) The board [cabinet] may waive any [or all] of the requirements of paragraph (a) of this subsection for all or portions of a class of operators, as identified [defined] in Section 7 [9] of this regulation.

(c) 1. This subparagraph shall apply to operators whose certification expires on or before June 30, 1992. Operators holding both treatment and distribution certificates shall be required to complete eighteen (18) hours of training for recertification in lieu of the requirements of subsection (7)(a)1 [8(a)] of this section.

2. This subparagraph shall apply to operators whose certification expires after June 30, 1992. Certified operators with separate Class I and II treatment and distribution certificates shall complete twelve (12) hours of training for recertification in lieu of the continuing education requirements of subsection (7)(a)2 of this section. Certified operators holding separate Class III or IV treatment and distribution certificates shall complete twenty-four (24) hours of training for recertification in lieu of the continuing education requirements of subsection (7)(a)2 of this section.

(d) Certified operators who teach board-approved training courses may receive, upon approval of the board, hour-for-hour credit for actual instruction time.

(e) The criteria for determining whether to approve training, other than the training provided by the cabinet, are:

1. The ability of the course to provide information that will enhance the proper operation and maintenance of water treatment and distribution systems; and

2. The ability of the instructor to properly present the information.

3. In making its determination regarding approval of training courses, the cabinet and board shall require that the following information be submitted for review: the course name; the date, location and a timed agenda for [beginning and ending times of] the course; the credit hours being requested; a summary of the course content of sufficient detail to determine relevance and quality of the course; and the name and credentials of each instructor for the course.

Section 5. [6-] Disciplinary Action. A certified operator shall be subject to a disciplinary action identified in this section if the cabinet, in consultation with the board according to this section, determines that [~~Revocation of Certificates. The cabinet may revoke the certificate of an operator, when~~] the certified operator [:] has practiced fraud or deception in obtaining certification or [~~in~~] filing cabinet-mandated reports; has not used reasonable care or judgment in the performance of duties; has failed to apply knowledge in the performance of duties; or is incompetent, unable or unwilling to properly perform duties.

(1) Sanctions. The disciplinary action shall be determined by the cabinet in accordance with the review procedures in subsection (2) of this section, and may take the form of the following sanctions according to subsection (3) of this section, depending on the severity, duration, and number of the violations. The sanctions may include, but are not limited to:

(a) Probation for a specified period of time, not to exceed one (1) year;

(b) Suspension of the operator's certificate for a specified period of time, not to exceed one (1) year, during which the certificate shall be considered void;

(c) Temporary or permanent revocation of the operator's certification (temporary revocations shall not be less than one (1) year or more than four (4) years in duration); or

(d) Civil or criminal penalties against the operator.

(2) Initial review procedures. Written complaints received by the board or cabinet on a certified operator, unless duplicitous or frivolous, shall be reviewed at the next regularly scheduled board meeting. If the charges warrant further investigation, the certified operator may be advised to appear before the board to discuss the charges levied. Upon completion of the review, the board shall make a recommendation to the cabinet regarding the operator's certification status. The board may recommend that no action be taken or that the cabinet impose a sanction identified in subsection (1) of this section, or any other action.

(3) Cabinet action. The cabinet shall review the evidence presented and the board's recommendations. Upon completion of the review, the cabinet will initiate the recommended action or notify the board as to why an alternative action was taken. The certified operator and his employer shall be advised by certified mail of the action, the reasons outlined for the action, and the length of time for which the sanction shall apply. A certified operator whose certificate has been suspended or revoked shall not perform responsible charge operator duties during the period that the disciplinary action remains in effect. If a certification is permanently revoked, the operator shall be ineligible for future certification as a water treatment plant or distribution system operator. Experience gained during a suspension or temporary or permanent revocation shall not be included toward meeting the requirements of Section 8 of this regulation. An action taken by the cabinet pursuant to this regulation shall not preclude the cabinet from pursuing additional civil or criminal action.

(4) Sanction review and removal. During the operator's probation, suspension, or temporary revocation, the board and cabinet will monitor the operator's work activities. At the end of the sanction period, the board will recommend to the cabinet whether the sanction should be lifted or whether additional action is necessary against the certified operator.

(5) Appeal procedures. An operator who considers himself aggrieved by the disciplinary action may file a petition for hearing with the cabinet pursuant to KRS 224.10-420(2).

Section 6. [7-] Classification of Water Treatment Plants and Water Distribution Systems. (1) Classification. Classification shall be established [generally] in accordance with the classes listed in subsection (2) of this section. However, the cabinet may make changes in classifications in accordance with needs created by particular complexities of a public water [~~any specific plant or distribution~~] system by reason of special features of design, or by reason of a source of supply that has characteristics that may make operation more difficult than normal, or a combination of these [~~such~~] conditions. Due notice of a [~~any such~~] change shall be given to the owner of the public water [~~treatment plant and/or water distribution~~] system.

(2) Water treatment plants.

(a) Class I:

1. Class IA-D. [All] Plants using only physical treatment and disinfection, if the treatment plant operator is also responsible for the distribution system, and which serve a population less than 500.

2. Class IB-D. [All] Plants using only disinfection, if the treatment plant operator is also responsible for the distribution system, and which serve a population less than 500.

(b) Class II:

1. Class IIA. [All] Plants using physical and chemical treatment, including [~~chemical coagulation, water softening processes, or filtration and~~] disinfection, and serving a population [~~equal to or greater than 500 and~~] less than 3,000.

2. Class IIB-D. [All] Plants using only physical treatment and disinfection, if the treatment plant operator is also responsible for the distribution system, and which serve a population equal to or greater than 500 but less than 3,000.

3. Class IIC-D. [All] Plants using only disinfection, if the treatment plant operator is also responsible for the distribution system, and which serve a population equal to or greater than 500 but less than 3,000.

(c) Class III:

1. Class IIIA. [All] Plants using physical and chemical treatment, including [~~chemical coagulation, water softening processes, or filtration and~~] disinfection, and serving a population equal to or greater than 3,000 and less than 15,000.

2. Class IIIB. [All] Plants using only physical treatment and disinfection, and serving a population equal to or greater than 3,000 and less than 15,000.

3. Class IIIC. [All] Plants using only disinfection, and serving a population equal to or greater than 3,000 and less than 15,000.

(d) Class IVA. [All] Plants [~~using physical and chemical treatment, including chemical coagulation, water softening processes, or filtration and disinfection, and~~] serving a population equal to or greater than 15,000.

(3) Water distribution systems.

(a) Class ID. [All] Distribution systems serving a population less than 1,500.

(b) Class IID. [All] Distribution systems serving a population equal to or greater than 1,500 and less than 15,000.

(c) Class IIID. [All] Distribution systems serving a population equal to or greater than 15,000 and less than 50,000.

(d) Class IVD. [All] Distribution systems serving a population equal to or greater than 50,000.

(4) Limited. A limited classification is available to water treatment facilities for schools and [~~or~~] semipublic water systems.

(5) Special. Special designations may be added to any certificate if [~~when found~~] necessary to show competency of the operator for a parameter of treatment or operation not covered by the basic requirements for standard classification set forth in this section.

Section 7. [8-] Classification of Water Treatment Plant and Water Distribution System Operators. Nine (9) classes of certified operators are established and designated as Class I through Class IV for water treatment, Class I through Class IV for distribution, and limited. Each

operator classification, except for limited, relates directly to the corresponding classification of water treatment plant or water distribution system outlined in Section 6 of this regulation.

Section 8. [9.] Operator Qualifications: Experience, Education and Equivalencies. (1) Requirements. Applicants shall be examined by the cabinet regarding education, experience, and knowledge, as related to the classification of water treatment plants or water distribution systems for which the application applies. Applicants shall pass the required written examination unless granted a waiver to take an oral examination in accordance with Section 3(2) of this regulation.

(2) Classification of water treatment plant operators. Operators shall comply with the experience and educational requirements of this subsection prior to applying for certification. [operators shall be based upon the following classifications:]

(a) Class IA-D and Class IB-D:

1. Completion of high school or general education development (GED) efficiency [test]; and
2. One (1) year~~[-s]~~ of acceptable operation of a public [Class-I] water system [or higher].

(b) Class IIA:

1. Completion of high school or GED efficiency; and
2. Two (2) years of acceptable operation of a public [Class-IA-D or-IA] water system [or higher], with six (6) months of that experience in a Class IIA, IIIA or IVA treatment plant [or higher].

(c) Class IIB-D and Class IIC-D:

1. Completion of high school or GED efficiency; and
2. For Class IIB-D, two (2) years of acceptable operation of a public water [Class-IA-D combined treatment and distribution] system [or higher], with six (6) months of that experience in a Class IIA, IIB-D, IIIA, IIIB, or IVA treatment plant [or higher]; or
3. For Class IIC-D, two (2) years of acceptable operation of a public water [Class-IB-D combined treatment and distribution] system [or higher] with six (6) months in a Class II, III or IV water [C-D] treatment plant [or higher].

(d) Class IIIA:

1. Completion of high school or GED efficiency; and
2. Three (3) years of acceptable operation of a public water system with one (1) year in a Class IIA, IIIA, or IVA water treatment plant [Class-III-A treatment plant-Class-III-A or higher].

(e) Class IIIB:

1. Completion of high school or GED efficiency; and
2. Three (3) years of acceptable operation of a public water system with one (1) year in a Class IIA, IIB, IIIA, IIIB, or IVA water treatment plant [Class-III-A or Class-IIB-D treatment plant or higher].

(f) Class IIIC:

1. Completion of high school or GED efficiency; and
2. Three (3) years of acceptable operation of a public water system with one (1) year in a Class II, III, or IV water treatment plant [IIA, IIB-D, or IIC-D treatment plant or higher].

(g) Class IVA:

1. A baccalaureate degree from an accredited college or university; and
2. Three (3) years of acceptable operation of a public water system [treatment plant of Class-III-A or higher], with two (2) [one (+)] years of that experience being in a Class IIIA or IVA water treatment plant [or higher].

(h) Limited; [classification:] An operator of a water treatment facility for a school or for a semipublic water supply shall be entitled to apply for a limited certificate of competency for his particular facility, if he has demonstrated to the cabinet that he has the knowledge and experience required to properly operate the particular water treatment facility for which he is responsible.

(3) Classification of water distribution system operators. Operators shall comply with the experience and educational requirements of this subsection prior to applying for certification. [The following requirements shall apply to the certification of distribution system operators:]

(a) Class ID:

1. Completion of high school or GED efficiency; and
2. One (1) year of acceptable operation of a distribution system.

(b) Class IID:

1. Completion of high school or GED efficiency; and
2. Two (2) years of acceptable operation of a distribution system with six (6) months in a Class IID, IIID or IVD distribution system [or higher].

(c) Class IIID:

1. Completion of high school or GED efficiency; and
2. Three (3) years of acceptable operation of a distribution system [of Class-IID or higher], with one (1) year [six (-6) months] of that experience in a Class IID, IIID or IVD distribution system [or higher].

(d) Class IVD:

1. A baccalaureate degree from an accredited college or university; and
2. Three (3) years of acceptable operation of a [Class-II] distribution system[s-or-higher], with one (1) year of that experience being in a Class IIID or IVD distribution system [or higher].

[(e) For operators who were certified in any classification on March 12, 1985, the requirement for a high school diploma or GED shall not preclude their advancing to the next higher classification than they held on that date.]

(4) Substitutions.

[(a) If [Where] applicable, education may be substituted for a portion of the required experience [requirements], as specified below:]

1. [(a)] No substitution for Class I.
2. One (1) year of college work (limited to curricula in environmental engineering, environmental technology or related scientific fields) may be considered as equivalent to one (1) year of experience, [(b) Each year of college may be substituted for one (1) year of experience. College credits earned in engineering or allied sciences or an associate degree in engineering technology may, as approved by the board, be substituted for experience]; limited to one (1) year for Class II, two (2) years for Class III, and two (2) [three (-3)] years for Class IV.

3. Education applied to the experience requirement shall not [cannot also] be applied to the educational requirement or used as continuing education hours toward certification renewal.

[(b) [(e)] If applicable, the cabinet may[-, at its discretion,] authorize experience to be substituted for education requirements as specified below:]

1. One (1) year [Two (-2) years] experience in active operation of a water system at a Class II level or above shall [will] be considered equivalent to one (1) year of college. Four (4) [Eight (-8)] years of [such] experience may be substituted for the requirement of a college degree by a high school graduate or recipient of a GED.

2. One (1) year of board-approved experience may be considered equivalent to one (1) year of high school. Four (4) years of board-approved experience may be considered equivalent to a high school diploma or a GED, subject to the approval of the board. Operators requesting this substitution shall submit a written request to the cabinet and may be requested to appear before the board.

3. [2-] Experience applied to education requirements shall [may] not [also] be applied to the experience requirement.

4. ~~[(d)]~~ For experience to be counted toward satisfying the education requirements of this section, the operator shall be certified during the time in which the experience is earned.]

(c) Substitutions of related experience for treatment plant and distribution experience.

1. Experience gained in distribution system operation may be credited toward fulfillment of the treatment plant experience requirement. Two (2) years of experience in a related field may be considered equivalent to one (1) year of treatment experience.

2. Experience gained in drinking water treatment plant operation may be credited toward fulfillment of the distribution system experience requirements. One (1) year of experience in a related field may be considered equivalent to one (1) year of distribution experience.

3. Partial credit, as determined by the board, may be given for operating experience in maintenance, laboratories, other work of drinking water treatment or distribution systems and allied trades.

(d) Substitutions for formal education may be as follows: Training credits for board-approved operator training schools, seminars and technical courses may be substituted for high school and college requirements upon approval of the board. One (1) year of college

work shall equal thirty (30) semester hours or forty-five (45) quarter hours. Six (6) classroom hours of board-approved courses shall equal one (1) training credit, and forty-five (45) training credits shall equal eighteen (18) semester hours of college or one (1) year of high school. One (1) continuing education unit (CEU) shall equal ten (10) training credit hours.

Section 9. [49-] The following documents are incorporated by reference and are available for public inspection and copying, subject to the copyright laws, between the hours of 8 a.m. and 4:30 p.m. Monday through Friday, at the Division of Water, 18 Reilly Road, Frankfort Office Park, Frankfort, Kentucky 40601:

(1) Drinking Water or Wastewater Operator Certification Application, Kentucky Division of Water, Frankfort, Kentucky, January 1992. [~~New York State Department of Health, "Manual of Instruction for Water Treatment Plant Operators," May 1990, which may be obtained from Health Education Service, P.O. Box 7426, Albany, New York 12224.~~]

(2) Application for Certificate Renewal, Kentucky Division of Water, Frankfort, Kentucky, January 1992. [~~"American Water Works Association Water Distribution Training Handbook," 1976, which may be obtained from the American Water Works Association, 6666 West Quincy Ave., Denver, Colorado, 80236.~~]

(3) Kentucky Division of Water, "Training Manuals for Large Water Plant Operators," Finance Printing Press Frankfort, 1984, which may be obtained from the Division.

(4) Kentucky Division of Water, "Training Manual for Small Water Plant Operators," Finance Printing Press, Frankfort, 1984, which may be obtained from the Division.

[~~Section 11. Severability. If any provision of this regulation is set aside by a court of competent jurisdiction, the remainder of this regulation remains in effect.~~]

PHILLIP J. SHEPHERD, Secretary
JUDITH A. VILLINES, Commissioner
APPROVED BY AGENCY: July 8, 1992
FILED WITH LRC: July 9, 1992 at 1 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control
(Amended After Hearing)

804 KAR 5:070. Minors.

RELATES TO: KRS 244.080, 244.085
STATUTORY AUTHORITY: KRS 241.060

NECESSITY AND FUNCTION: The named KRS Sections deal with the selling, giving away, or consumption of alcoholic beverages by minors on licensed premises. In furtherance of these statutes, this regulation sets out in detail prohibitions applicable to minors upon licensed premises.

Section 1. (1) For the purpose of this section:

[a)] "Restaurant" means a business which receives at least thirty-five (35) percent of its gross food and alcoholic beverage sales receipts from the sale of food. Premises that qualify for the restaurant exemption shall only be exempted during those times of the day that meals are served to customers[;]

[b)] "Bar area" means that portion of a room adjacent to the bar which is visibly separated and delineated by a physical barrier from the remainder of the room[;]

(2) Except as provided in KRS 244.087 and 244.090, a licensee, his agents, servants, or employees shall not permit any person under twenty-one (21) years of age to enter or remain on any premises on which alcoholic beverages are sold by the drink or consumed on the premises, unless the usual and customary business of the establishment is as a restaurant, grocery store, drug store, hotel, motel, private club, park, fair, church, school, athletic complex, or public exhibition at which live sports, athletic events, bona fide plays, or concerts are

~~scheduled. [A licensee, his agents, servants or employees shall not permit a person under twenty-one (21) years of age to enter or remain in the bar area or barroom of any establishment exempted under this section.]~~

Section 2. Unless an establishment is exempted under the provisions of Section 1 of this regulation, every retail licensee that sells alcoholic beverages by the drink for consumption on the premises shall display at all times, in a prominent place, a printed card at least eight (8) inches by eleven (11) inches in size which shall read, in thirty (30) point or larger type, substantially as follows:

**PERSONS UNDER 21 MAY NOT ENTER OR REMAIN
ON THIS PREMISES.**

DON W. STEPHENS, Commissioner
ED HOLMES, Secretary
APPROVED BY AGENCY: April 22, 1992
FILED WITH LRC: July 8, 1992 at 10 a.m.

CABINET FOR HUMAN RESOURCES
Office of Inspector General
(Amended After Hearing)

906 KAR 1:110. Rural primary-care hospital services.

RELATES TO: HB 310, 1992 GA
STATUTORY AUTHORITY: HB 310, 1992 GA, §3(11)
NECESSITY AND FUNCTION: HB 310 of the 1992 GA mandates that the Cabinet for Human Resources promulgate **administrative** regulations necessary to implement a licensure program for rural primary-care hospitals. This regulation sets forth quality of care and licensure standards for rural primary-care hospitals.

Section 1. Definitions. "Licensee" means the rural primary-care hospital.

Section 2. [1-] Special Provisions. (1) The rural primary-care hospital (RPCH) shall be licensed in accordance with 902 KAR 20:008.

(2) The RPCH shall submit a licensure application **(which shall include the types of medical conditions proposed to be treated at the RPCH) and [;] strategic plan[; and proposed range of services]** to the Kentucky Board of Family Health Care Providers (KBFHCP).

(3) The KBFHCP shall **review [approve] the RPCH's application and [;] plan[;] and make recommendations to the Division of Licensing and Regulation [services prior to licensure by the cabinet].**

(4) **Prior to licensure, the Division of Licensing and Regulation shall consider the recommendations of the KBFHCP [The RPCH shall comply with the provisions of its approved submissions to the KBFHCP].**

(5) **Prior to licensure as a RPCH,** a licensed acute-care hospital shall have been found to be in compliance with 902 KAR 20:009 on its last licensure survey **[prior to licensure as a RPCH].**

(6) **The RPCH shall comply with the scope of its licensure application.**

Section 3. [2-] Administration and Operation. (1) The licensee shall be legally responsible for the operation of the RPCH and for compliance with federal, state, and local laws and **administrative** regulations pertaining to the operation of the RPCH.

(2) The RPCH shall be under the medical direction of a physician licensed to practice medicine in Kentucky.

(3) The licensee shall establish written policies, lines of authority, and designate the person who will be principally responsible for the daily operation of the RPCH.

(4) **The licensee shall develop patient care policies with the advice of a group of professional personnel identified by the licensee.**

(a) The group of professional personnel shall include:

1. One (1) or more physicians licensed in the Commonwealth of Kentucky; and

2. One (1) or more persons who are not members of the RPCH staff.

(b) The patient care policies shall include:

1. A description of services that the RPCH shall provide directly or through contractual agreement;

2. A written program narrative describing in detail the:

a. Services to be offered;

b. Methods and protocols for service delivery;

c. Qualifications of personnel to be involved in the delivery of services; and

d. Outcomes expected to be reached through the delivery of specified services.

3. Guidelines for medical case management of health problems which include:

a. Criteria for determining if a case requires medical consultation;

b. Patient referral procedures; and

c. Maintenance of health records.

4. Procedures requiring the proper storage, handling and administration of drugs and biologicals; and

5. Procedures establishing the annual review and evaluation of services provided by the RPCH. [The licensee shall develop patient care policies with the advice of a group of professional personnel that include one (1) or more physicians. At least one (1) member of the group shall not be a member of the RPCH staff. The policies include:

(a) A description of the services the RPCH provides directly and those provided through agreement;

(b) A written program narrative describing in detail the service(s) offered, methods and protocols for service delivery, qualifications of personnel involved in the delivery of the services, and goals of the service(s);

(c) Guidelines for the medical management of health problems which include the conditions requiring medical consultation and/or patient referral, and the maintenance of health records;

(d) Procedures to be followed in the storage, handling, and administration of drugs and biologicals; and

(e) Procedures for annual review and evaluation of the services provided by the RPCH.]

(5) The RPCH shall adopt written policies regarding the rights and responsibilities of patients. These patients' rights policies shall assure that each patient is:

(a) [Is] Informed of these rights and of all rules and regulations governing patient conduct and responsibilities, including a procedure for handling patient grievances;

(b) [Is] Informed of services available at the RPCH and of related charges including any charges not covered under Medicare, Medicaid, or other third-party payor arrangements;

(c) Informed of his:

1. Medical condition, unless medically contraindicated as documented in the patient's medical record;

2. Right to participate in the planning of his medical treatment; and

3. Right to refuse to participate in experimental research; [Is informed of his medical condition, unless medically contraindicated (as documented in his medical record), and is afforded the opportunity to participate in the planning of his medical treatment and to refuse to participate in experimental research;]

(d) Assisted in understanding his patient rights; [Is encouraged and assisted to understand and exercise his patient rights; to this end he may voice grievances and recommend changes in policies and services. Upon the patient's request, the grievances and recommendations will be conveyed within a reasonable time to an appropriate decision making level with the organization which has authority to take corrective action;]

(e) Provided [Is assured] confidential treatment of his records and is afforded the opportunity to approve or refuse their release to any individual not involved in his care except as required by Kentucky law or third-party payment contract; [and]

(f) [Is] Treated with consideration, respect, and full recognition of his dignity and individuality, including privacy in treatment and in the care of his personal health needs; and

(g) Informed of procedures through which to file grievances or recommendations to change policies and services. The policy shall establish a time frame within which the RPCH personnel shall determine what corrective action to take.

(6) Personnel.

(a) [The RPCH shall have a staff that includes at least one (1) physician who shall be on call and available to the RPCH within one-half (1/2) hour.] The RPCH shall employ or contract with such [other] staff as deemed essential to the RPCH's operation.

(b) A physician shall:

1. Be responsible for all medical aspects of the RPCHP; [and shall]

2. Provide direct medical services in accordance with the Medical Practice Act, KRS Chapter 311. [In addition, the physician shall]

3. Provide medical direction, supervision, and consultation to the staff;

4. Participate [2. In conjunction] with other medical personnel [participate] in developing, executing, and periodically reviewing the RPCH's written policies and services;

5. [3. Periodically] Review the RPCH's patient records;

6. Provide medical orders and [provide] medical care services to patients of the RPCH [s] in accordance with the RPCH's protocols.

(c) A physician extender where utilized shall provide medical care services as permitted by their scope of practice and RPCH protocols.

(7) Transfer and linkage agreements.

(a) The RPCH shall have transfer and linkage contracts [agreements or arrangements] with each of the following for:

1. Secondary and tertiary hospital services;

2. Additional and specialized diagnostic and laboratory services that are not available at the RPCH;

3. Home health agency services;

4. Nursing facility services if not provided on site;

5. Emergency medical services; [and]

6. Pharmacy services if not provided directly by the RPCH; and

7. Dietary services if not provided directly by the RPCH.

(b) Transfer and linkage contracts with inpatient care facilities shall incorporate provisions for the:

1. Referral and transmittal of patients from the RPCH;

2. Coordination of discharge planning with the RPCH staff; and

3. RPCH to receive a copy of the discharge summary and, if necessary, the medical record of each patient referred to the RPCH. [Linkage agreements with inpatient care facilities shall incorporate provisions for appropriate referral and acceptance of patients from the RPCH, provisions for appropriate coordination of discharge planning with RPCH staff, and provisions for the RPCH to receive a copy of the discharge summary and, as necessary, for the medical record for each patient referred to the RPCH.]

(c) The transfer and linkage contracts shall include provisions establishing the following protocol and responsibilities between the RPCH and the inpatient care facility:

1. Transfer of patient information;

2. Transportation of patients;

3. Utilization of services, equipment, and personnel; and

4. Extent of care, whether total or partial, to be provided by the RPCH or the inpatient care facility. [The written transfer agreements shall include designation of:

1. Responsibility for transfer of information;

2. Responsibility for provisions of transportation;

3. Responsibility for sharing of services, equipment, and personnel; and

4. Responsibility for provision of total care or portions thereof in relation to facility and agency capability.]

(8) Medical records.

(a) The RPCH shall maintain medical records identifying all family

members (a single patient may be considered a family unit). Medical records shall contain at least the following:

1. Medical and social history, including data obtainable from other providers;

2. Description of each medical visit or contact, to include condition or reason necessitating visit or contact, assessment, diagnosis, services provided, medications and treatments prescribed, and disposition made;

3. Reports of all laboratory, x-ray, and other test findings; and

4. Documentation of all referrals made, including reason for referral, to whom patient was referred, and any information obtained from referral source.

(b) Confidentiality of all individual patient records shall be maintained at all times.

(c) Transfer of records. The RPCH shall establish systematic procedures to assist in continuity of care where the patient moves to another source of care, and the RPCH shall, upon proper release, transfer medical records or an abstract upon request [thereof when requested].

(d) Retention of records. After patient's death or discharge, the completed medical record shall be placed in an inactive file and retained for five (5) years or in case of a minor, three (3) years after the patient reaches the age of majority under state law, whichever is the longest.

(9) Utilization review and medical audit. In order to determine the appropriateness of the service(s) delivered, there shall be a written plan for utilization review developed by the RPCH which specifies the frequency of reviews and composition of the body conducting the review.

(10) Quality assurance program.

(a) The RPCH shall have a written quality assurance program to ensure continuous and effective mechanisms for:

1. Review and evaluation of patient care; and

2. Corrective action.

(b) The quality assurance program shall be approved by the licensee.

(c) The RPCH quality assurance program shall:

1. Establish responsibilities for the monitoring and evaluation of services;

2. Delineate the scope of care;

3. Identify specific aspects of care to be provided by the RPCH; and

4. Establish and document clinical criteria to be used to monitor all aspects of care and services;

5. Systematically evaluate the standard of care to identify problems and recommend corrective actions or alternatives to improve the standard of care;

6. Establish criteria to assess the effectiveness of the corrective actions taken to improve care; and

7. Require documentation of any improvements in the standard of care, subsequent to corrective actions taken. [Quality assurance program. The RPCH shall have a written quality assurance program designed to ensure that there is an ongoing quality assurance program that includes effective mechanisms for reviewing and evaluating patient care, and that provides for appropriate response to findings. The written quality assurance plan shall be approved by the licensee and shall:

(a) Assign responsibility for the monitoring and evaluation activities;

(b) Delineate scope of care provided by the RPCH;

(c) Identify the aspects of care that the RPCH provides;

(d) Identify indicators, and appropriate clinical criteria that can be used to monitor these aspects of care;

(e) Collect and organize data for each indicator;

(f) Evaluate the care in order to identify problems or opportunities to improve care;

(g) Take actions to correct identified problems or to improve care;

(h) Assess the effectiveness of the actions taken and document the improvement in care; and

(i) Communicate relevant information to other individuals, departments, or services as to the quality assurance program.]

(11) Contracted services. The RPCH shall be responsible for assuring that any services provided under contract shall be licensed or certified in accordance [compliance] with applicable local, state, and federal regulations and statutes.

Section 4. [3.] Provision of Services. (1) The RPCH staff shall furnish those diagnostic and therapeutic services and supplies that are commonly furnished in a physician's office or at the entry point into the health care delivery system. These include medical history, physical examination, assessment of health status, and treatment for a variety of medical conditions.

(2) The RPCH staff shall provide, either directly or through contract, basic laboratory services essential to the immediate diagnosis and treatment of the patient on a twenty-four (24) hour basis. If the RPCH provides laboratory services directly, it shall be in compliance with 902 KAR 20:016, Section 4(4). If the RPCH contracts for laboratory services, the laboratory it contracts with must be [and] in compliance with KRS Chapter 333, including:

(a) Chemical examinations of urine by stick or tablet methods or both (including urine ketones);

(b) Microscopic examinations of urine sediment;

(c) Hemoglobin or hematocrit;

(d) Blood sugar;

(e) Gram stain;

(f) Examination of stool specimens for occult blood;

(g) Pregnancy tests;

(h) Primary culturing for transmittal to a hospital laboratory or licensed laboratory; and

(i) Test for pinworms.

(3) The RPCH shall provide medical emergency procedures as a first response to common life-threatening injuries and acute illness, and have available the drugs and biologicals commonly used in life-saving procedures, such as analgesics, anesthetics (local), antibiotics, anticonvulsants, antidotes and emetics, serums and toxoids.

(a) Emergency room care shall be provided on a twenty-four (24) hour basis.

(b) Examination services shall be provided by the RPCH in accordance with 902 KAR 20:012.

(c) At least one (1) person shall be on duty at the RPCH who is minimally certified as a provider by the American Heart Association in advanced cardiac life support and certified as a basic trauma life support provider-advanced in accordance with the American College of Emergency Physicians curriculum.

(4) Supplemental services. A RPCH may provide additional services to complement the basic services of the RPCH. Additional services shall be identified and submitted to the Division of Licensing and Regulation [KBFHC] for review [approval] prior to delivery of services. A RPCH may contract with another provider to deliver supplemental services. Supplemental services may include:

(a) Surgical services within the scope of RPCH license [as approved by the KBFHC];

(b) Obstetrics within the scope of the RPCH license [as approved by the KBFHC];

(c) Primary care in accordance with 902 KAR 20:058;

(d) Adult day health care in accordance with 902 KAR 20:066;

(e) Respite care; or

(f) Rehabilitative and therapeutic services in accordance with 902 KAR 20:016, Section 4(7).

(5) Dietary services shall be provided either directly or by contract in accordance with 902 KAR 20:016, Section 4(3), when an inpatient resides in the RPCH for more than twelve (12) hours.

(6) Long-term care beds, if provided, shall be in accordance with applicable state and federal regulations as follows:

(a) Dual licensure beds shall be in compliance with 902 KAR 20:220;

(b) Swing beds shall be in compliance with 42 CFR 405; and

(c) Nursing facility beds shall be in compliance with 902 KAR 20:300 and 42 CFR 483.

Section 5. [4.] Physical and Sanitary Environment. The RPCH shall comply with the provisions of 902 KAR 20:016, Section 3(10).

ADMINISTRATIVE REGISTER - 427

WILLIAM M. GARDNER, Inspector General

LEONARD E. HELLER, Secretary

APPROVED BY AGENCY: July 6, 1992

FILED WITH LRC: July 7, 1992 at 11 a.m.

PROPOSED AMENDMENTS RECEIVED THROUGH NOON, JULY 15, 1992

KENTUCKY HIGHER EDUCATION
ASSISTANCE AUTHORITY
(Proposed Amendment)

11 KAR 4:020. Disapproval, assessment of liabilities [probation], limitation, suspension or termination of eligibility to participate in authority programs.

RELATES TO: KRS 164.746(6), 164.748(13), 164.748(14), 34 CFR §682.401(b)(10)(i)(C)

STATUTORY AUTHORITY: KRS 164.748(4), 34 CFR §682.401(b)(10)(i)(C)

NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority administers programs to provide financial assistance to students to attend postsecondary institutions. The board is empowered by statute to enter into contracts with eligible educational institutions and lenders for participation in these programs and disapprove, limit, suspend or terminate participation. KRS 164.746(6) empowers the board to adopt regulations governing the conduct of the authority's business and to appoint officers and employees and prescribe their duties. This regulation prescribes the ministerial functions of authority officers and sets forth the conditions and procedures under which the authority or its delegated officers may initiate action to assess contractual liabilities or disapprove, [probate,] limit, suspend or terminate the participation [eligibility] of [educational institutions,] eligible educational institutions or eligible lenders [to participate] in any of the student financial assistance programs administered by the authority. Federal regulations governing the authority's insured student loan program require the authority to establish, disseminate and enforce such standards and procedures. This amendment applies uniform standards and procedures to all of the authority's programs.

Section 1. Definitions. (1) The definition of the term "authority" is governed by KRS 164.740(1).

(2) "Authority program" means a program of student financial assistance administered or funded by the authority pursuant to KRS 164.740 through 164.785 or the federal act.

(3) The definition of the term "board" is governed by KRS 164.740(2).

(4) The term "delegated officer" means the executive director, general counsel, directors of the divisions of program administration or fiscal affairs, or any other individual the board may designate to whom the board has delegated ministerial responsibilities set forth in this regulation.

(5) The definition of the term "eligible institution" is governed by KRS 164.740(5).

(6) The definition of the term "eligible lender" is governed by KRS 164.740(6).

(7) The definition of the term "federal act" is governed by KRS 164.740(9).

(8) The term "funds" means any money, commitments to provide money, and commitments of insurance under any or all authority programs.

(9) The definition of "insured student loan" is governed by KRS 164.740(12).

(10) The term "limitation" means:

(a) A limit on the number or percentage of students enrolled or planning to enroll in a participating institution who may receive funds through an authority program;

(b) A limit, for a stated period of time, on the percentage of a participating institution's total receipts from tuition and fees derived from authority program funds;

(c) A requirement that an institution that is already participating obtain a bond, in a specified amount, to assure its ability to meet its financial obligations to students, lenders and the authority funds;

(d) A limit on the number or amount of insured loans that may be

made or held by a participating lender or that may be received by students at a participating institution; or

(e) Any special conditions or procedures required in the administration of authority programs.

(11) The definition of "participating institution" is governed by KRS 164.740(15).

(12) The definition of "participating lender" is governed by KRS 164.740(16).

(13) The definition of "secretary" is governed by KRS 164.740(20).

Section 2. Standard of Conduct. (1) A participating institution shall establish and consistently implement policies and procedures to ensure that it:

(a) Fully and continuously complies with all statutory, regulatory, and contractual requirements related to the administration of authority programs and performs all duties and responsibilities to students, participating lenders, the authority, and, if applicable to participation in an authority program, the secretary;

(b) Makes full and accurate representations of facts required to be reported or disclosed or voluntarily disclosed to students, the authority, and, if applicable to participation in an authority program, the secretary;

(c) Disburses, holds, and accounts for funds administered through any authority program with the standard of care and diligence of a fiduciary.

(2) A participating lender in the authority's insured student loan program shall establish and consistently implement policies and procedures to ensure that it:

(a) Fully and continuously complies with all statutory, regulatory, and contractual requirements related to the administration of authority programs and performs all duties and responsibilities to students, the authority, and the secretary;

(b) Performs directly, or by contract with a third party servicer, due diligence in the approval, making, servicing and collection of authority insured student loans and in the timely and accurate filing of insurance claims on those loans.

(c) Makes full and accurate representations of facts required to be reported or disclosed or voluntarily disclosed to students, the authority, and the secretary.

(3) A participating institution and a participating lender shall establish, maintain, and make accessible to the authority, and if applicable to participation in an authority program, to the secretary a system of complete and accurate records sufficient to demonstrate:

(a) Compliance with all statutory, regulatory, and contractual requirements related to the administration of authority programs and the performance of all duties and responsibilities to students, the authority, and, if applicable to participation in an authority program, the secretary;

(b) Full and accurate disclosure of facts required to be reported or disclosed or voluntarily disclosed to students, the authority, and, if applicable to participation in an authority program, the secretary; and

(c) Proper and timely disposition of funds and administration of authority programs.

(4) Noncompliance with the standard of conduct in this section by a participating institution or a participating lender shall be grounds for disapproval, assessment of liabilities, limitation, suspension, or termination.

Section 3. [4.] Disapproval. The board [authority] or any of its delegated officers may, upon verification of misstatements of fact, financial instability, lack of administrative capability, or failure to meet eligibility requirements under applicable law or regulations, related to an application to participate in an authority administered program, notify the applicant of the authority's intent to disapprove such application. For purposes of requesting review of a limitation on participation (including a requirement of a surety bond or other collateral) imposed as a precondition of initial approval or reinstatement.

ment, such limitation shall be regarded as a disapproval.

Section 4. Assessment of Liabilities. (1) ~~[2.-Probation-]~~ The board [authority] or any of its delegated officers may, initiate action to assess liabilities against a participating institution or a participating lender for reimbursement of funds, upon documentation that a participant has failed through acts of commission or omission, including but not limited to improper disbursement or retention of funds, failure to remit funds due on a timely basis, certification of an application for an ineligible student, or failure to account for funds received or expended, to properly administer any program for which the participant [institution] has previously been approved [~~place the participant on probation for a period not to exceed six (6) months~~].

(2) The board or its delegated officer may notify a participating institution or a participating lender that the authority requires the participant to take reasonable and appropriate corrective action to remedy a violation of applicable laws, regulations, special arrangements, agreements or limitations. The corrective action may include payment of any funds to the authority, or to designated recipients, which the participant improperly received, withheld, disbursed or caused to be awarded or disbursed. Corrective action may, for example, relate to:

(a) With respect to the insured student loan program:

1. Ineligible interest benefits, special allowance, or claims paid by the authority; and

2. Discounts, premiums or excess interest paid in violations of rules of the secretary; and

(b) With respect to all authority programs:

1. Refunds due to students under program regulations; and

2. Any grants, work-study assistance, scholarships or loans caused to be awarded or disbursed to ineligible students, in excess of legal maximums, or otherwise in violation of applicable regulations.

Section 5. [3.] Limitation. The board [authority] or any of its delegated officers may, upon documentation that a participating institution or a participating lender [~~participant in any authority administered program~~] has failed through acts of commission or omission to fully adhere to the standard of conduct set forth in Section 2 of this regulation [~~abide by the regulations~~] pertaining to any authority administered program for which the participant has previously been approved, notify the participant of the authority's intent to place limits on the participant's eligibility to participate in authority administered programs [~~for a period not to exceed one (1) year~~].

Section 6. [4-] Suspension. The board [authority] or any of its delegated officers may, upon documentation that a participating institution or a participating lender [~~the participant~~] has substantially or repeatedly failed through acts of commission or omission to adhere to the standard of conduct set forth in Section 2 of this regulation [~~abide by the regulations~~] pertaining to any authority administered program for which the participant has previously been approved [~~issued approval~~], notify the participant of the authority's intent to suspend the participant's eligibility to participate in authority administered programs for a period not to exceed sixty (60) days, unless the authority and participant agree otherwise or the delegated officer initiates a limitation or termination during the sixty (60) days [~~one (1) year~~].

Section 7. [5-] Termination. The board [authority] or any of its delegated officers may, following any period of [~~probation-~~] limitation or suspension, in the absence of correction of deficiencies which resulted in the adverse action, notify the participant of the authority's intent to terminate a participant's eligibility to participate in all or any of the authority administered programs. The board or any of its delegated officers may, with or without prior limitation or suspension, notify the participant of the authority's intent to terminate the participation of a participating institution or a participating lender upon documentation of an intentional violation or a substantial pattern or practice indicating failure or inability to adhere to the standard of conduct set forth in Section 2 of this regulation, including but not limited to a repetition of previously cited deficiencies. A termination

prohibits a participant or the authority from making or increasing awards under authority programs, making any other new obligations against authority funds, and prohibits further guarantee commitments by the authority under the insured student loan programs. The participation of an educational institution or lender shall be deemed automatically terminated without prior action or notice by the authority upon cessation of operation as an ongoing business, loss of state licensure, or termination of its eligibility by the secretary. [~~Participants which have their eligibility terminated may not submit a new application for approval to the authority prior to the expiration of one (1) calendar year immediately following the date of termination.~~]

Section 8. Emergency Action. (1) Under an emergency action, the board acting through its delegated officer may immediately withhold program funds from the students attending a participating institution or from a participating lender, withdraw the right of the participant to certify or approve applications, and preclude the participant from obligating or disbursing funds under any authority program. The delegated officer may initiate an emergency action against a participant only if that officer:

(a) Receives information, determined by the delegated official to be reliable:

1. That the participant is substantially failing to adhere to the standard of conduct set forth in Section 2 of this regulation or is violating any provision of statute, regulation, or any applicable special arrangement, agreement, or limitation; or

2. That the participant has misrepresented any material facts to students, the authority, or, as applicable to participation in an authority program, the secretary; or

3. That the participant ceases to meet the requirements for approval of participation by the authority;

(b) Determines that immediate action is necessary to prevent loss or misuse of funds; and

(c) Determines that the risk of loss or misuse outweighs the importance of delaying the effective date of action through the procedures for limitation, suspension, or termination contained in this regulation.

(2) The emergency action takes effect on the date a notice, personally delivered or mailed to the participant by the delegated officer by certified mail, return receipt requested, is received by the participant. The notice shall state the basis on which the emergency action is based, the consequences of the emergency action to the institution or lender, and that the participant may request an opportunity to show cause why the emergency action is unwarranted. An emergency action may not exceed thirty (30) days unless the board or a delegated officer initiates a limitation, suspension, or termination proceeding under this subpart against the participant within those thirty (30) days, in which case the delegated officer may extend the emergency action until the completion of those proceedings, including any appeal. The continuation, modification, or cessation of the emergency action during the period described in this paragraph is at the sole discretion of the delegated officer.

Section 9. [6-] Notices. In the event that the delegated officer finds that the authority should assess any liabilities or that participation [eligibility] of any applicant or participant should be [is] disapproved, [~~probated-~~] limited, suspended or terminated by act [~~of an officer~~] of the authority, the applicant or participant shall be provided with notice of such action which shall be issued on behalf of the board and signed by [~~in the name of~~] the officer and shall contain a concise statement of the consequences and reason for the disapproval, assessment of liabilities, [~~probation-~~] limitation, suspension or termination of eligibility and sufficient information to reasonably apprise the applicant or participant of the right to request reconsideration of disapproval or appeal other actions to the authority for a hearing on all issues contained therein. The proposed date for payment of any assessed liabilities or the proposed effective date of any limitation, suspension or termination, which shall be more than twenty (20) days after the date of mailing of the notice of intent, shall be specified in the notice. The assessment of liabilities shall be based upon payment by the specified due date, and any extension of that

date due to a request for a hearing or further appeal may result in the accrual of additional amounts due if interest accrual is applicable. All requests for hearings must be made to the authority at Frankfort, Kentucky 40601, within twenty (20) days of receipt of the notice. All ~~[Such]~~ notices to or from the authority shall ~~[or appeals may]~~ be delivered by an individual eighteen (18) years old or older who shall prove service by his affidavit or signature of the recipient ~~[effected in the manner prescribed by law for the service of civil process]~~ or by the officer forwarding same to the applicant or participant, or by the applicant or participant forwarding same to the authority by U.S. ~~[registered mail or]~~ certified mail, postage prepaid, to the address of the applicant or participant (as reflected by the records of the authority) or to the authority at Frankfort, Kentucky 40601. If a party refuses to accept a notice served under this section, the notice shall be deemed received on the date that the party refuses to accept the notice.

Section 10. Request for Review. (1) An eligible institution or an eligible lender seeking reconsideration of a final determination of disapproval shall file a written request together with any relevant records or materials for review with the delegated officer issuing the determination no later than forty-five (45) days from the date it receives the determination. The applicant shall identify the issues and facts in dispute and the applicant's position together with the pertinent facts and reasons supporting that position.

(2) An applicant requesting review of the determination of disapproval issued by the delegated officer shall have the burden of proving that the applicant complied with requirements for approval. An applicant may submit as additional evidence to the delegated officer only materials within one (1) or more of the following categories:

(a) Complete audit reports and audit work papers for audits performed by the United States Education Department or independent audit work papers, records, and other materials;

(b) Complete program review reports and reports of resolution of disputed program reviews;

(c) Complete accreditation or licensure review reports and reports of resolution of disputed accreditation or licensure findings;

(d) Internal records and other materials if the records or materials are not:

1. Related to a period of time other than the period of time under consideration;

2. Related to an audit or program review of an institution or lender other than the applicant (unless the determination involves a change of ownership); or

3. Related to policies and procedures that have not yet been implemented.

Section 11. Stay of Proceedings. Unless an emergency action is initiated, a limitation, suspension or termination will not be effective on the date specified in the notice if the delegated officer receives a timely request for a hearing, and the proposed effective date shall continue to be stayed pending the outcome of a hearing.

Section 12. [7.] Hearings. (1) In the event assessment of liabilities ~~[disapproval, probation]~~, limitation, suspension or termination of eligibility results from the action of a delegated officer of the authority, the ~~[applicant or]~~ participant may request ~~[appeal to the full authority for]~~ a hearing to determine the facts in the case. Nothing in this section shall preclude the delegated officer, at his sole discretion, from engaging in informal discussions with representatives of the participant for the purpose of settling the dispute.

(2) Notification of hearing. Upon receipt of a participant's request for a hearing, the delegated officer shall arrange for a hearing on the record before a hearing officer, and within thirty (30) days of the delegated officer's receipt of an institution's request for review, the hearing officer shall establish a schedule for any discovery, prehearing conferences, and the time and place of the hearing, which shall be scheduled to occur no later than 120 days from the date upon which the delegated officer receives the request for a hearing.

(3) At a ~~[such]~~ hearing the officer or officers of the ~~[applicant or]~~ participant may be accompanied by counsel of their own choosing

and at their own expense. The hearing may be conducted by a hearing officer or a hearing committee appointed by the board. ~~[All members of the authority and all persons appointed by the board as hearing officers or as members of a hearing committee are authorized to administer oaths, issue subpoenas for the attendance of witnesses and for the production of books, papers and documents and to cite for contempt before the court having jurisdiction in the county in which the hearing is held for disobedience of its process or for contumacious or disrespectful conduct.]~~ The ~~[applicant or]~~ participant proceeded against shall be entitled to be represented at the hearing in person or by counsel or both and shall be entitled to introduce testimony by witnesses or, if the hearing officer ~~[authority]~~ so permits, by depositions.

(4) A prehearing conference may be convened by the hearing officer if he or she thinks that such a conference would be useful, or if requested by the authority or the participant to allow the parties to settle or narrow the dispute. If agreed to by the hearing officer and the parties, a prehearing conference may consist of a conference telephone call, an informal meeting, or the submission and exchange of written material.

(5) The hearing process may be expedited as agreed by the hearing officer and the parties. Procedures to expedite may include, but are not limited to, the following:

(a) Scheduling of conferences;

(b) Setting time limits for hearings, submission of written documents, and discovery;

(c) Restricting the number or length of submissions;

(d) Shortening any time limits prescribed in this regulation;

(e) Limiting the hearing to written documentation; or

(d) Stipulation by the parties to facts and legal authorities not in dispute.

(6) The formal rules of evidence and procedures applicable to proceedings in a court of law are not applicable. However, only evidence that is relevant and material to the proceeding and is not unduly repetitious shall be admissible, and discussions of settlement between the parties or the terms of settlement offers are not admissible. The hearing officer shall not admit evidence that is excludable on constitutional or statutory grounds or privileged as recognized in the courts of the Commonwealth. Hearsay evidence shall be admissible, but shall not be sufficient in itself to support the hearing officer's decision. All testimony shall be made under oath. Evidentiary objections may be made at any time during the prehearing or hearing process and shall be noted in the record of the hearing.

(7) The authority has the burden of persuasion in any assessment of liabilities, limitation, suspension, or termination proceeding under this regulation that a reasonable basis exists under the circumstances for the action being taken.

(8) Discovery, as provided for under the Kentucky Rules of Civil Procedure, is permitted, except that, in recognition of the authority's contractual right to inspect records and the participant's right to inspect public records under KRS 61.870 et seq., the hearing officer may limit the scope, method, and time for discovery as appropriate to expeditiously and fairly resolve the issues, and the hearing officer may summarily rule against a noncomplying party. The hearing officer is not authorized to issue subpoenas. Nothing in this subsection shall be construed as allowing access to the personal notes, observations, or conclusions of authority staff or to the work product of counsel.

(9) The authority shall provide for recording of the proceeding and shall make the record available to the participant upon its request and upon its payment of any fee required by the individual providing a transcript.

(10) The hearing officer shall regulate the course of the proceeding and conduct of the parties during the hearing and take all steps necessary to conduct a fair and impartial proceeding. The parties shall provide available personnel who have knowledge about the matter under review for oral or written examination. The hearing officer shall take whatever measures are appropriate to expedite the proceeding, and may terminate the hearing and issue a decision against a party failing to comply with any time limits or procedure.

(11)(a) Hearing officers and hearing committees shall prepare ~~[a proposed]~~ findings of fact and conclusions of law based only on

evidence considered at the hearing and on matters given official notice, and shall issue a written initial decision to the parties by certified mail, return receipt requested, within sixty (60) days after the last brief is filed, the last day of the hearing (if the hearing officer does not request the parties to submit briefs), or the date on which the hearing officer terminates the hearing [present recommendations to a committee of the board].

(b) The hearing officer's decision must state whether the imposition of the liabilities, limitation, suspension or termination sought by the delegated officer is warranted, in whole or in part.

(c) If the action brought against a participant involves its failure to provide a surety bond, letter of credit or other collateral in the amount specified by the delegated officer, the hearing officer shall find that the amount of the bond, letter of credit or other collateral specified by the delegated officer was appropriate unless the participant can demonstrate that the amount was unreasonable. [If the findings warrant, the committee of the board may uphold the findings of the officer of the authority or may find in favor of the participant.]

Section 13. [8.] Decisions and Appeals. (1) All initial assessing liabilities, [decisions] disapproving, [probating,] limiting, suspending or terminating participation [eligibility] may be made by a delegated [an] officer of the authority and shall be binding upon the authority and the applicant or participant as the decision of the board in the absence of a request for review or an appeal by the applicant or participant to the authority.

(2) In the event the applicant, participant, or a delegated officer of the authority does not petition the board for a review of the hearing officer's decision [hearing], the decision resulting from a hearing conducted by the authority shall become final and conclusive as the decision of the board twenty (20) days after notice thereof is given as provided.

(3)(a) An appeal to the board of a hearing officer's initial decision is made by sending a written notice of appeal to the executive director of the authority. This notice must be postmarked not later than twenty (20) days after the issuance of the hearing officer's initial decision, and the appealing party shall send a copy of its appeal notice to the other party.

(b) Within ten (10) days after submitting the notice of appeal, the party that appeals shall submit a brief to the board explaining why the initial decision of the hearing officer should be overturned or modified. The appealing party may submit proposed findings of fact or conclusions of law. However, the proposed findings of fact must be supported by the evidence introduced into the record at the hearing, stipulations of the parties, documentary evidence submitted to the hearing officer (if the hearing consisted of written submissions), or matters that may be officially noticed. The opposing party shall respond within ten (10) days after receipt of a brief and proposed findings of fact or conclusions of law from the appealing party. Neither party may introduce new evidence on appeal to the board. Each party shall provide a copy of its brief to the other party when it submits its brief to the board.

(c) The initial decision of the hearing officer assessing liabilities or limiting, suspending, or terminating participation does not take effect pending the appeal.

(d) The board reviews the hearing officer's initial decision and issues a final decision. The board shall adopt the initial decision unless it is clearly unsupported by the evidence presented at the hearing. The board considers only evidence introduced into the record at the hearing, facts agreed to by the parties, documents submitted to the hearing officer (if the hearing consisted of only written submissions), and matters that may be officially noticed. The board's final decision may affirm, modify or reverse the hearing officer's initial decision and shall include a statement of the reasons for the decision.

(e) An assessment of liabilities becomes binding and a limitation, suspension or termination takes effect upon the date on which notice of the final decision of the board is mailed to the participant.

Section 14. Removal of Limitation. (1) A participating institution or a participating lender whose participation in any or all authority programs has been limited after participation may not apply for

removal of the limitation before the expiration of twelve (12) months from the effective date of the limitation.

(2) After the minimum limitation period, the participant may request removal of the limitation in writing and show that the deficiency on which the limitation was based has been corrected.

(3) No later than sixty (60) days after the receipt of the request, the delegated officer shall respond to the participant by granting its request, denying its request, or granting the request subject to other limitations.

(4) If the delegated officer denies the request or establishes other limitations, the participant may request a review in accordance with Section 10 of this regulation and be given an opportunity to show cause why its participation should be fully reinstated.

(5) The participant's request for a review shall not waive its right to participate in any or all authority programs if it complies with the continuing limitation(s) pending the outcome of the review.

Section 15. Reinstatement After Termination. (1) An eligible institution or an eligible lender whose participation in any or all of the authority programs has been terminated may file a request for reinstatement as a participating institution or a participating lender.

(2) Except for an institution or lender whose participation has been terminated for engaging in substantial misrepresentation, a request for reinstatement may not be made before the expiration of eighteen (18) months after the effective date of the termination.

(3) An institution or lender whose participation was terminated because the institution or lender engaged in substantial misrepresentation may not request reinstatement before the expiration of three (3) months after the effective date of the termination.

(4) An institution or lender seeking reinstatement shall:

(a) Demonstrate to the authority's satisfaction that it has corrected the deficiencies on which its termination was based, including payment in full to the authority or to other designated recipients of funds that the institution or lender has improperly received, withheld, disbursed or caused to be disbursed;

(b) Meet all the requirements for initial approval of participation; and

(c) Enter into a new administrative agreement or contract of insurance with the authority.

(5) The board or its delegated officer, within sixty (60) days of receiving the reinstatement request, shall grant the request, deny the request, or grant the request subject to limitations. A denial of the request under this section shall be deemed to be a determination of disapproval under Section 3 of this regulation.

Section 16. If any period of time prescribed by this regulation differs from the corresponding period of time prescribed in 11 KAR 3:060, the shorter period of time shall be controlling.

WAYNE STRATTON, Chairman

APPROVED BY AGENCY: June 30, 1992

FILED WITH LRC: July 8, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Thursday, August 27, 1992 at 9 a.m. at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 22, 1992, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Mr. Paul P. Borden, Executive Director, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected: More than 160 Kentucky educational institutions (including public and private degree granting, vocational-technical, and trade schools) currently participate in the various programs administered by the authority, including, but not limited to, grants, scholarships, and work-study. There are approximately 230 lending institutions which have contracted to participate in the authority's insured student loan program, and approximately 12,000 postsecondary institutions nationwide are potential participants in the authority's insured student loan program. However, within the foregoing population of participants, only an average of five lenders and twenty educational institutions are expected to undergo compliance reviews in an average year, and five to ten institutions would typically seek initial approval to participate. Among those thirty or so applicants or participants undergoing such review, and undetermined number would be expected to have compliance failures that would result in the assessment of liabilities, disapproval, limitation, suspension, or termination of participation.

(a) Direct and indirect costs or savings to those affected:

1. First year: The direct costs associated with this amended regulation would be an undetermined expense by the applicant or participant in requesting reconsideration or a hearing and attending such a hearing, and submitting supporting documentation in response to an action taken by the authority under this regulation. The expense cannot be accurately estimated because it is contingent upon the number of compliance reviews undertaken, the number of instances of noncompliance found resulting in action by the authority under this regulation, and the number of applicants or participants who seek reconsideration or a hearing in response to such action. Additionally the direct expense associated with responding to a notice of action, attending a hearing, and submitting supporting documentation is likely to vary from situation to situation.

2. Continuing costs or savings: See 1 above.

3. Additional factors increasing or decreasing costs (note any effects upon competition): A breach of contractual or regulatory duty by a participant can lead to a limitation, suspension or termination of participation in authority programs. This may result in loss of tuition and fee income derived from student financial assistance funds provided under authority programs for educational institutions or loss of interest income for financial institutions making student loans. This result, however, is not a consequence of amendment of this regulation. The loss of tuition and fee income or loss of interest income is a possible consequence of limitation, suspension or termination under the current regulation.

(b) Reporting and paperwork requirements: This regulation does not itself impose any specific reporting or record retention requirements. Instead, this regulation provides that noncompliance with other contractual or regulatory reporting, accounting, or record retention requirements may form the basis for corrective action or other actions that may impact new or continued participation in authority programs. Participants could find it necessary to respond to action taken by the authority; such responses (in the form of a request for reconsideration or an appeal) could include submission of extensive information with respect to financial and administrative operations. However, this information would not be uniquely created by a requirement of this regulation, but would typically be prepared and maintained in the normal course of business of the participant for other purposes (i.e., daily operations, accreditation, state licensure, and federal student aid program participation). Any additional paperwork requirement resulting from this regulation would be the burden of responding to a notice of imminent action, requesting reconsideration or a hearing, and producing existing documentation in support of the participant's position. Yet, this is not a new burden imposed by the amendment of this regulation. It is a consequence of action under the current regulation.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Direct costs would be those related to notification of applicants or participants regarding an adverse action taken under

this regulation, costs of arranging and conducting hearings, and the cost of reporting findings and decisions to other participants who could be affected by the results of the action taken by the authority and to the U.S. Department of Education. The expense cannot be accurately estimated, because it is contingent upon the number of compliance reviews undertaken; the number of instances of noncompliance found, resulting in action by the authority under this regulation; and the number of applicants or participants who seek reconsideration or a hearing in response to such action.

2. Continuing costs or savings: See 1 above.

3. Additional factors increasing or decreasing costs: In the event it is determined that a participant received funds to which it was not entitled, improperly disbursed authority funds; or failed to properly account for authority funds received, this regulation empowers the authority to seek reimbursement of those funds through assessment of liabilities as damages and requires the return of funds to the entity from which they originated.

(b) Reporting and paperwork requirements: The authority must keep records of reviews or investigations, hearings and appeals and must report actions taken to the U.S. Department of Education and to other participants which might be affected by the actions taken.

(3) Assessment of anticipated effect on state and local revenues: In the event that action taken by the authority terminated a lender's participation in the student loan program, this would have little effect on revenues. It is felt that lenders have such a small portion of their total loan volume in student loans that the elimination of such loans would have no substantial impact. Other lenders would be available to make student loans. If action were taken to terminate an educational institution's participation in authority programs, the loss of student financial assistance income from authority programs could conceivably have significant adverse financial impact upon a small institution that is heavily reliant upon financial assistance funds from a single source (i.e., the authority) resulting in a corollary loss of employment and income. However, this would be the consequence of the institution's failure to comply with federal or state program requirements, not an isolated effect of general implementation of this regulation.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Federal regulations require that the authority adopt procedures for limitation, suspension, and termination of participation substantially similar to federal requirements. The authority has had a regulation in force for a number of years that generally prescribes such procedures. Additionally, 11 KAR 3:060 (which comprehensively incorporates all of the federal regulations pertaining to the Guaranteed Student Loan Program) contains, among other things provisions relating to limitation, suspension, and termination. The purpose of the amendment to this regulation is to clarify formerly vague procedures, and to apply uniform procedures to all of the authority's programs. This regulation conforms with federal program requirements.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: This regulation overlaps certain provisions contained in 11 KAR 3:060 pertaining to limitation, suspension, and termination under the authority's insured student loan program. A conflict would exist regarding certain time periods prescribed for the duration of a limitation, suspension, or termination in 11 KAR 3:060 and this regulation. This conflict will be resolved in the following manner: First, 11 KAR 3:060 will be amended or repealed within the next several months, following the completion of reauthorization of the federal Higher Education Act by Congress, now pending final action by the U.S. House of Representatives; Second, in the interim, 11 KAR 4:020 is being amended to include a new section that would apply the shorter (more favorable to the participant) time period used in either of the regulations.

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: The ultimate objective of the regulation is to prescribe procedures related to initiation and appeal of an action to restrict or deny participation in authority programs to those applicants or participants who have

shown a noncompliance with contractual or regulatory requirements related to administration of authority programs or who lack administrative and financial stability prerequisite to participate. The authority is required by federal regulations governing its insured student loan program to monitor the compliance of lenders and educational institutions, and to adopt procedures for the limitation, suspension and termination of participation substantially similar to federal requirements.

TIERING: Was tiering applied? No. All parties are afforded equal, uniform consideration and due process protection according to the severity of the noncompliance. This regulation does not impose a separate requirement for participation. Rather, it prescribes that certain actions may be taken if the participant fails to adhere to other contractual and regulatory provisions for challenging such actions. Tiering is not applied to the procedures, because the authority believes that the benefit of uniformity outweighs any disparate burden upon smaller participants in requesting and attending a hearing, and submitting any supporting documentation.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. Federal regulations, 34 CFR Subsection 682.401(b)(10)(i)(c) requires a guarantee agency to establish and disseminate procedures for limitation, suspension, and termination of participation.

2. State compliance standards. This regulation sets forth the conditions and procedures under which the authority board through its delegated officers may assess contractual liabilities or disapprove, limit, suspend or terminate the participation of lenders or educational institutions. Action may be initiated upon a finding that an applicant/participant failed to comply with contractual or regulatory requirements related to the authority's programs, engaged in misrepresentations or failed to properly administer funds. With respect to disapproval of a request for participation, KRS 164.740 states that no right of participation exists prior to establishing contract right. This regulation provides for a review or reconsideration of an initial disapproval and provides for a formal hearing in the event of other action as a safeguard of due process. The regulation provides for the imposition of various remedies of limitations, suspensions, or termination based on a graduated scale of increasing severity of the violations ranging from a lack of full compliance to intentional and substantial noncompliance. The regulation prescribes procedural rules for notification of action, requesting a hearing and consideration by the board, and conducting the hearing. It also sets out conditions under which participation may be reinstated after termination or a limitation may be removed.

3. Minimum or uniform standards contained in the federal mandate: 20 USC Sections 1078(b)(1)(T) and (U) and 34 CFR Subsection 682.401(b)(10)(i)(c) require a guarantee agency to establish standards for participation in authority programs substantially similar to the federal standards. Standards of conduct for lenders and educational institutions and procedures for limitation, suspension, or termination of participation and recovery of funds are contained in 34 CFR Part 668, Subpart G and 34 CFR Part 682, Subpart G. Holders of program funds are required to hold, account for, and dispose of funds in a fiduciary capacity. The federal mandate empowers an administrative officer to initiate limitation, suspension, or termination proceedings and to assess fines and require reimbursement of funds in the event of violation of federal program laws and regulations, misrepresentation, or failure to properly administer funds. The federal regulations also permit an administrative officer to initiate emergency action to withhold funds.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? The requirements of the administrative regulation differ somewhat, but are less strict than the federal mandate. The federal regulations provide for fines for any breach of contractual duty; however, KHEAA has no statutory authority to impose fines. The state regulation does provide for assessment of liability which the authority could seek as damages for a breach of contractual duty, as does the federal procedure. The federal regula-

tions neither provide for nor preclude evidentiary discovery in the hearing process. The state regulation will allow discovery subject to the hearing officer's discretion and limitation in recognition of existing rights to inspect records. The federal regulation does not provide any appeal or hearing of the disapproval of participation in federal programs. The state regulation allows for a review/reconsideration as a safeguard of due process.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The state regulation does not address the levying of fines because the authority does not have statutory power to levy a fine. The state regulation includes the capability for parties to a hearing to utilize discovery procedures subject to limitations imposed by the hearing officer as a means of expediting the hearing process and facilitating settlement. Some aspects of the hearing process addressed by the federal regulations are vague or incomplete to the degree that, in order to be effective, the state administrative regulation must further elaborate. Finally, although the federal regulations do not provide any reconsideration or appeal process in the event of initial disapproval, the state regulation does provide an opportunity for an applicant to request review or reconsideration of the determination in order to safeguard the applicant against adverse action based upon mistake, misinterpretation or oversight of pertinent information in the determination process.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY (Proposed Amendment)

11 KAR 12:010. Kentucky educational savings plan trust definitions.

RELATES TO: KRS 164A.300 to 164A.380

STATUTORY AUTHORITY: KRS 164A.325(9) [(40)]

NECESSITY AND FUNCTION: KRS 164A.325(9) [(40)] provides that the [Kentucky Educational Savings Plan Trust] Board shall have the power to promulgate rules and regulations to carry out and effectuate the purposes and objectives of the Kentucky Educational Savings Plan Trust (KRS Chapter 164A). [Executive Order 90-433 reorganized the administration of the trust, and assigned the duties conferred by KRS 164A.300 through 164A.380 to the Board of Directors of the Kentucky Higher Education Assistance Authority.] KRS 164A.305[(4) through (46)] defines certain terms and words, but does not define other terms and words which are necessary to carry out and accomplish the purposes, objectives and provisions of KRS 164A.300 through 164A.380 [Chapter 164A ("Aet")]. This regulation defines additional terms and words which shall be interpreted and applied in a uniform manner when used in the participation agreement, forms, notices and other instruments related to the administration of the trust. This amendment is necessary to add defined terms previously separately defined in multiple regulations in 11 KAR Chapter 12.

Section 1. Definitions. The language used in the administration of the trust contains some legal and technical terms as well as everyday terms which, of necessity, have specialized meaning. The following definitions shall be controlling in the interpretation and application of these words and phrases, except where the context clearly requires another interpretation:

(1) The term "academic period" shall mean one (1) semester or one (1) quarter or an equivalent period for a vocational technical institution.

(2) The word "account" shall denote the account in the program fund established and maintained under the trust for a beneficiary.

(3) The term "account balance" shall mean the fair market value of an account as of the accounting date.

(4) The term "accounting date" shall mean the date, not later than the last business day of each quarter as determined by the program administrator.

(5) The term "administrative fee" shall mean the fee charged by

the trust on cancellation or termination, which is the lesser of two (2) percent of the amount refunded or twenty-five (25) dollars, or for multiple substitution of beneficiaries, twenty-five (25) dollars.

(6) The definition of "beneficiary" is governed by KRS 164A.305(3).

(7) The definition of "benefits" is governed by KRS 164A.305(4).

(8) The definition of "board" is governed by KRS 164A.305(5).

(9) [(6)] The term "designated date" shall mean the date on which each beneficiary is eligible to be designated in a participation agreement.

(10) [(7)] "Effective date" shall mean the date which a participant may enter into a participation agreement with the trust, which is on or after July 1, 1989.

[(8) The term "general unrestricted endowment income" shall mean the investment income derived from the endowment fund which benefits are paid for a beneficiary attending an institution in the Commonwealth.]

(11) [(9)] The words "hardship" or "emergency" shall denote those circumstances and conditions of a sudden nature, including catastrophic illness, which deprive the participant or his dependent from the basic necessities or comforts of life or proper health care.

(12) The definition of "institution of higher education" is governed by KRS 164A.305(8).

(13) [(10)] The term "Kentucky ties" shall mean participants or beneficiaries who have contact or ties with the Commonwealth, such as current or former residence or employment in the Commonwealth, or family members with current or former residence in the Commonwealth.

(14) [(11)] The term "minimum rate of return" shall mean the minimum earnings of four (4) percent guaranteed by the trust on payments made by the participant.

(15) [(12)] "Notice to delay benefits under participation agreement" shall mean the form which a participant submits to the program administrator of the trust to delay benefits under a participation agreement, after the beneficiary has attained the age of eighteen (18).

(16) [(13)] "Notice to extend payments under participation agreement" shall mean the form which a participant submits to the program administrator of the trust to extend payments under a participation agreement beyond the beneficiary's age of eighteen (18).

(17) [(14)] "Notice to increase or decrease payments under participation agreement" shall mean the form which a participant submits to the program administrator of the trust to increase or decrease payments under a participation agreement.

(18) [(15)] "Notice to preauthorize debit" shall mean the form which a participant completes to notify the participant's financial institution to debit or charge the participant's checking or savings account for payments due under the participation agreement.

(19) [(16)] "Notice to substitute beneficiary" shall mean the form which a participant submits to the program administrator of the trust to substitute a beneficiary.

(20) [(17)] "Notice to terminate the participation agreement" shall mean the form which a participant submits to the program administrator of the trust to terminate a participation agreement under the trust.

(21) [(18)] "Notice to use trust benefits" shall mean the form which a participant submits to the program administrator of the trust to notify the trust of the date benefits are to begin and level of benefits paid.

(22) [(19)] "Notice to authorize [withheld payments from] payroll" shall mean the form which a participant submits to the program administrator of the trust to direct the participant's employer to deduct [withheld] payments from the participant's payroll deduction check and forward that amount to the trust.

(23) The term "participant" is defined in KRS 164A.305(10).

(24) The term "participation agreement" is defined in KRS 164.305(11).

(25) [(20)] The word "payments" shall denote the money paid by the participant to the trust under the participation agreement.

(26) [(21)] The term "payment book" shall mean the book which contains individual coupons, designating the amount and due date of each payment.

(27) The term "program administrator" is defined in KRS 164A.305(12).

(28) The term "program fund" is defined in KRS 164A.305(13).

(29) [(22)] The terms "property settlement agreement" or "decree of dissolution by the court" shall mean the agreement or judgment approved or entered by a court of competent jurisdiction which sets forth the participant's right, if any, to the participant's interest in the participation agreement.

[(23) The term "restricted endowment income" shall mean the investment income from the endowment fund which may be distributed as benefits only to a particular group or class of beneficiaries, such as the beneficiaries of participants who are employees or members of a particular organization.]

(30) [(24)] The term "trust year" shall mean the fiscal year beginning July 1 and ending the following June 30 of each year for purposes of the calculation of benefits.

(31) The term "vested participation agreement" is defined in KRS 164A.305(15).

WAYNE STRATTON, Chairman

APPROVED BY AGENCY: June 30, 1992

FILED WITH LRC: July 15, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Thursday, August 27, 1992 at 9 a.m. at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 22, 1992, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Mr. Paul P. Borden, Executive Director, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency contact: Paul P. Borden

(1) Type and number of entities affected: There are no significant effects on any entities. This amended regulation simply incorporates a number of definitions which have heretofore been in other administrative regulations with respect to the Kentucky Educational Savings Plan Trust.

(a) Direct and indirect costs or savings to those affected: There are no costs or savings. See (1) above.

1. First year: See (1) above.

2. Continuing costs or savings: See (1) above.

3. Additional factors increasing or decreasing costs (note any effects upon competition): See (1) above.

(b) Reporting and paperwork requirements: This regulation entails no reporting or paperwork.

(2) Effects on the promulgating administrative body: There are no significant effects on the promulgating administrative body. For purposes of uniformity and simplification, a number of definitions are deleted from other regulations and incorporated into this regulation.

(a) Direct and indirect costs or savings: There are no costs or savings.

1. First year: See (2) above.

2. Continuing costs or savings: See (2) above.

3. Additional factors increasing or decreasing costs: See (2) above.

(b) Reporting and paperwork requirements: The proposed amendments to this regulation impose no new paperwork or reporting requirements.

(3) Assessment of anticipated effect on state and local revenues: No monetary matters are effected by the proposed amendments to this regulation; there is no effect on state or local revenues.

(4) Assessment of alternative methods; reasons why alternatives

were rejected: The alternative would have been to continue to define common terms in each separate regulation in the chapter, resulting in needless redundancy and unwarranted complexity in the event of a subsequent change in a definition. This regulation provides uniformity and simplification by incorporating into one regulation several definitions in common usage by the Kentucky Educational Savings Plan Trust.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: This regulation does not conflict, overlap, or duplicate any statute, administrative regulation or government policy.

(a) Necessity of proposed regulation if in conflict: There is no conflict.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There is no conflict.

(6) Any additional information or comments: This regulation provides a degree of simplification and uniformity by incorporating into one regulation a number of definitions in common usage by the Kentucky Educational Savings Plan Trust. The regulation also deletes reference to Endowment Fund to reflect statute changes which authorize the establishment of a separate entity to administer the Endowment Fund.

Tiering: Was tiering applied? No. The concept of tiering is not applicable to the amendment of this regulation to consolidate defined terms in a single regulation.

**KENTUCKY HIGHER EDUCATION
ASSISTANCE AUTHORITY
(Proposed Amendment)**

11 KAR 12:020. General rules for investments and fund transfers.

RELATES TO: KRS 164A.310(4), 164A.325(7) [(4)], 164A.335(1), 164A.375

STATUTORY AUTHORITY: KRS 164A.325(9) [(40)]

NECESSITY AND FUNCTION: KRS 164A.300 through 164A.380 confer certain powers and duties upon the Kentucky educational savings plan trust to invest funds and to utilize the administrative fund to support its activities. [Executive Order 90-433 reorganized the administration of the trust, and assigned those powers and duties to the Board of Directors of the Kentucky Higher Education Assistance Authority.] This regulation sets forth the policy for investments and fund transfers. This amendment is necessary to eliminate certain defined terms that are being placed in a separate regulation and to reflect amendments to KRS 164A.300 through 164A.380 that provide for a separate organization to administer the endowment fund.

Section 1. Definitions. [(4)] "Administrative fund" (as defined in KRS 164A.305(2)).

[(2) The term "board" shall mean the board of directors of the Kentucky Higher Education Assistance Authority which manages the Kentucky educational savings plan trust pursuant to Executive Order 90-433.

[(3) "Endowment fund" (as defined in KRS 164A.305(6)).

[(4) "Program administrator" (as defined in KRS 164A.305(12)).

[(5) "Program fund" (as defined in KRS 164A.305(13)).

[(6) The term "trust year" shall mean the fiscal year period beginning July 1 of each year and ending June 30 of the following year.]

Section 2. Investments. (1) The program administrator and any trustee or depository institution holding funds received pursuant to KRS 164A.335 shall adhere to the following standards:

(a) Safety of principal at the time of a projected cash need shall be paramount for all investment situations.

(b) Liquidity of investments shall be assured for funds which may be needed to satisfy short term cash flow needs; and

(c) Except as provided in paragraphs (a) and (b), maximizing

investment yield shall be the prime objective of any investment.

(2) Funds received pursuant to KRS 164A.335 may be invested in any of the following:

(a) Deposits or banker's acceptances with commercial banks whose outstanding indebtedness is rated A or better by a nationally recognized rating service, and deposits with any financial institution to the extent fully insured by the Federal Deposit Insurance Corporation or other U.S. government insurance entity;

(b) U.S. Treasury securities, obligations backed by the full faith and credit of the United States government, and U. S. government agency securities;

(c) Repurchase agreements, both overnight and term, must be governed by a Public Securities Association or equivalent master repurchase agreement including the appropriate annexes. These agreements shall be collateralized at 100 percent with U.S. Treasury securities, U.S. government agency securities, and other obligations backed by the full faith and credit of the United States government. Collateral shall be held by a third party custodian.

(d) Bank certificates of deposit rate A/A-1 or better by a nationally recognized rating service.

(e) State or municipal obligations rated in one (1) of the two (2) top classifications by a nationally recognized rating service (at least AA or Aa, SP-2 or MIG-2/VMIG-2).

(f) Obligations of any U.S. corporation, if the obligations are rated at least AA or As by a nationally recognized rating service.

(g) Collateralized mortgage or credit card obligations, mortgage backed securities, or similar securities that are collateralized at 100 percent, provided that the obligations are either fully insured by a U.S. government insurance entity or are issued by a corporation whose obligations would be an authorized investment.

(h) Commercial paper rated in the highest classification as established by a nationally recognized rating service (A-1 or Prime-1).

(i) Mutual funds, including money market funds, consisting of securities which would be authorized investments; and

(j) Other investments as approved by the board of directors.

Section 3. Administrative Fund. The costs of administering the Kentucky educational savings plan trust shall be paid out of the administrative fund. Funds shall be transferred periodically to the administrative fund from the program ~~[and endowment] fund[s]~~. Fund transfers may be made quarterly, or more or less frequently, as the program administrator determines is necessary to cover the administrative costs of the trust. The total amount transferred to the administrative fund during any trust year shall not exceed four (4) percent of the total investment earnings accruing and credited to the program ~~a[nd endowment] fund[s]~~ during that trust year. Monies transferred to the administrative fund pursuant to KRS 164A.335(1) and this regulation shall be deposited in accordance with KRS 41.070(2).

WAYNE STRATTON, Chairman

APPROVED BY AGENCY: June 30, 1992

FILED WITH LRC: July 15, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Thursday, August 27, 1992 at 9 a.m. at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 22, 1992, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Mr. Paul P. Borden, Executive Director, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact: Paul P. Borden

(1) Type and number of entities affected: There is no significant effect on any entities. This amended regulation eliminates definitions common to multiple regulations, which definitions are being added to a separate regulation.

(a) Direct and indirect costs or savings to those affected: There are no costs or savings attributed to this amended regulation. It eliminates definitions which are being added to a separate regulation.

1. First year: See (a) above.

2. Continuing costs or savings: See (a) above.

3. Additional factors increasing or decreasing costs (note any effects upon competition): See (a) above.

(b) Reporting and paperwork requirements: The proposed amendments to the regulation impose no new paperwork or reporting requirements.

(2) Effects on the promulgating administrative body: The regulation will have no significant effect on the promulgating body. It merely eliminates definitions in common usage by the Kentucky Educational Savings Plan Trust, which definitions are being added to a separate regulation.

(a) Direct and indirect costs or savings: There are no savings or costs.

1. First year: See (2) above.

2. Continuing costs or savings: See (2) above.

3. Additional factors increasing or decreasing costs: See (2) above.

(b) Reporting and paperwork requirements: The amended regulation will create no new reporting or paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: There will be no effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The alternative would have been to continue to define common terms in each separate regulation in the chapter, resulting in needless redundancy and unwarranted complexity in the event of a subsequent change in a definition. The elimination from this regulation of definitions and adding those definitions to a separate regulation will add a degree of simplification and uniformity to the matter of common usage definitions.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no conflict, overlapping, or duplication of any statute, administrative regulation or government policy.

(a) Necessity of proposed regulation if in conflict: There is no conflict.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There is no conflict.

(6) Any additional information or comments: This amended regulation could be considered a housekeeping procedure. It merely eliminates common usage definitions which are being added to a separate regulation. The amendment also deletes references to "endowment fund" in recognition of statutory changes that authorize the establishment of a separate entity to administer the endowment fund.

Tiering: Was tiering applied? No. The concept of tiering is not applicable to the amendment of this regulation to delete definitions. See (6) above.

KENTUCKY HIGHER EDUCATION
ASSISTANCE AUTHORITY
(Proposed Amendment)

11 KAR 12:030. Eligibility of beneficiary and participant.

RELATES TO: KRS 164A.330

STATUTORY AUTHORITY: KRS 164A.325(9) [(40)]

NECESSITY AND FUNCTION: KRS 164A.380 provides that this act shall be construed liberally in order to effectuate its legislative

intent and the powers granted shall be broadly interpreted to effectuate such intent and purposes. KRS 164A.330(4) provides that a beneficiary in a participation agreement may be designated from date of birth through age fourteen (14). This regulation establishes the eligibility criteria for a beneficiary and a participant and the proof of age required for a beneficiary to participate in the participation agreement. This amendment is necessary to eliminate definitions common to multiple regulations, which definitions are being added to a separate regulation.

[Section 1. Definition. (1) "Beneficiary" (as defined in KRS 164A.305(3)).

(2) "Designation date" shall mean the date on which each beneficiary is eligible to be designated in a participation agreement.

(3) "Kentucky ties" shall mean participants or beneficiaries who have contacts or ties with the Commonwealth, such as current or former residence, or employment in the Commonwealth, or family members with current or former residence in the Commonwealth.

(4) "Participant" (as defined in KRS 164A.305(10)).

(5) "Participation agreement" (as defined in KRS 164A.305(11)).

(6) "Program administrator" (as defined in KRS 164A.305(12)).]

Section 1. [2.] Beneficiary Eligibility. A beneficiary may be a resident of any state who, on the designation date, has "Kentucky ties" if the participant does not, and has not attained the age of fifteen (15) years.

Section 2. [3.] Proof of Age. A participant shall, on signing a participation agreement, provide the program administrator with proof of the beneficiary's age, in the form of a birth certificate or such other record as the trust may require.

Section 3. [4.] Participant Eligibility. A participant may be a resident of any state who, on signing the participation agreement, has "Kentucky ties" if the beneficiary does not.

Section 4. [5.] In order to participate in the Kentucky educational savings plan trust, a participant shall submit to the program administrator a signed participation agreement, incorporated herein by reference, and valid Social Security numbers of the beneficiary and the participant.

WAYNE STRATTON, Chairman

APPROVED BY AGENCY: June 30, 1992

FILED WITH LRC: July 15, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Thursday, August 27, 1992 at 9 a.m. at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 22, 1992, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Mr. Paul P. Borden, Executive Director, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact: Paul P. Borden

(1) Type and number of entities affected: There is no significant effect on any entities. This amended regulation merely eliminates definitions common to multiple regulations, which definitions are being added to a separate regulation.

(a) Direct and indirect costs or savings to those affected: There

are no costs or savings attributed to this amended regulation. It eliminates definitions which are being added to a separate regulation.

1. First year: See (a) above.
2. Continuing costs or savings: See (a) above.
3. Additional factors increasing or decreasing costs (note any effects upon competition): See (a) above.

(b) Reporting and paperwork requirements: The proposed amendments to the regulation impose no new paperwork or reporting requirements.

(2) Effects on the promulgating administrative body: The amendments to the regulation will have no significant effect on the promulgating body. It merely eliminates definitions in common usage by the Kentucky Educational Savings Plan Trust, which definitions are being added to a separate regulation.

(a) Direct and indirect costs or savings: There are no savings or costs.

1. First year: See (2) above.
2. Continuing costs or savings: See (2) above.
3. Additional factors increasing or decreasing costs: See (2) above.

(b) Reporting and paperwork requirements: The amended regulation will create no new reporting or paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: There will be no effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The elimination from this regulation of definitions and adding those definitions to a separate regulation will add a degree of simplification and uniformity to the matter of common usage definitions.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no conflict, overlapping, or duplication of any statute, administrative regulation or government policy.

(a) Necessity of proposed regulation if in conflict: There is no conflict.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There is no conflict.

(6) Any additional information or comments: This amended regulation could be considered a housekeeping procedure. It merely eliminates common usage definitions which are being added to a separate regulation.

Tiering: Was tiering applied? No. The concept of tiering is not applicable to amendment of this regulation to delete definitions. See (6) above.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY (Proposed Amendment)

11 KAR 12:040. Residency classification for Kentucky educational savings plan trust vested participation agreements.

RELATES TO: KRS 164A.305(15), [(16)]; 164A.330(9)

STATUTORY AUTHORITY: KRS 164A.325(9) [(10)]

NECESSITY AND FUNCTION: KRS 164A.305(15) provides that "vested participation agreement" means a participation agreement which has been in full force and effect during [the vestment period without default. KRS 164A.305(16) provides that "vestment period" means] eight (8) continuous years of residency of the beneficiary in the Commonwealth while participating in the trust. KRS 164A.330(9) requires that each participation agreement shall provide that for a vested participation agreement, the beneficiary shall be considered a resident of the Commonwealth for tuition purposes if the beneficiary enrolls in an institution of higher education in Kentucky prior to enrollment in any other educational institution. This regulation is necessary not only to clarify, interpret, and establish the standards for residency of a beneficiary for tuition purposes, who would not otherwise be classified as a resident except for participating in the trust, but to establish proof of residency of a beneficiary. This

amendment is necessary to eliminate definitions common to multiple regulations, which definitions are being added to a separate regulation.

Section 1. Definitions. [(1) "Beneficiary" (as defined in KRS 164A.305(3))]

(1) [(2)] The term "dependent person" means a person who is unable to meet all of the criteria listed in subsection (4) of this section.

(2) [(3)] The term "domicile" means a person's true, fixed, and permanent home. It is the place where the person intends to remain, and to which the person expects to return without intending to establish a new domicile elsewhere. "Legal residence" and domicile convey the same notion of permanence and are used interchangeably.

(3) [(4)] The term "independent" means a person who meets all of the following criteria. An independent person is one:

(a) Whose parent has not claimed such person as a dependent on federal or state income tax returns for the tax year preceding the date of application for reclassification of residency status;

(b) Who demonstrates no financial dependence upon parent(s); and

(c) Whose parents' income is not taken into account by any private or governmental agency furnishing educational financial assistance to the person, including scholarships, loans, and other assistance.

[(5) "Institution of higher education" or "institution" (as defined in KRS 164A.305(8))]

(4) [(6)] The term "parent" means one (1) of the following:

(a) A person's father or mother; or

(b) A court-appointed legal guardian. The term "parent" shall not apply if the guardianship has been established primarily for the purpose of conferring the status of resident on a person.

[(7) "Participation agreement" (as defined in KRS 164A.305(11))]

[(8) "Program administrator" (as defined in KRS 164A.305(12))]

[(9) "Vested participation agreement" (as defined in KRS 164A.305(15))]

Section 2. Residency Requirement. An individual who has at any time been a resident of the Commonwealth of Kentucky for at least eight (8) continuous years and was designated as a beneficiary under a participation agreement for that entire eight (8) year period, shall be deemed to have a vested participation agreement, even if the beneficiary leaves the state prior to enrollment in an institution of higher education.

Section 3. Proof of Residency. (1) At any time following the expiration of the period of eight (8) years of continuous residency by the beneficiary, either the participant or the beneficiary may submit to the program administrator evidence of the residency to establish a vested participation agreement. Evidence submitted on behalf of a dependent person shall pertain to the domicile of either parent during the claimed period of residency. Individuals who enroll in college immediately following graduation from high school and remain enrolled are treated as dependent persons unless the contrary is evident from the information submitted. In such cases, domicile shall be inferred from the student's permanent address, parent's mailing address, or location of high school of graduation.

(2) A person claiming independent status shall document independent status under Section 1(4) of this regulation and shall demonstrate by clear and convincing evidence that domicile in Kentucky has been established by that person's acts.

(3) The determination of residency shall be based upon verifiable circumstances or actions. No single fact is paramount, and each situation shall be evaluated to identify those facts which are essential to the determination of domicile.

(4) The following facts, although not conclusive, shall have probative value in support of a claim for resident classification:

(a) Full-time employment in Kentucky or transfer to an employer in contiguous area while maintaining domicile in Kentucky;

(b) Filing of Kentucky resident income tax return for each

applicable calendar year of claimed residency status;

(c) Attendance as a full-time, nonresident student at an out-of-state institution of higher education while determined to be a resident of Kentucky;

(d) Abandonment of a former domicile and establishing domicile in Kentucky with attendance at an institution of higher education following and only incidental to such change in domicile;

(e) Payment of occupational taxes in Kentucky;

(f) Payment of real property taxes in Kentucky;

(g) Payment of intangible personal property taxes in Kentucky;

(h) Ownership of real property in Kentucky, if the property was used as a residence during the claimed period of residency status;

(i) Long-term lease of housing during the claimed period of residency status;

(j) Kentucky automobile registration during the claimed period of residency;

(k) Kentucky driver's license during the claimed period of residency status;

(l) Registration as a Kentucky voter during the claimed period of residency;

(m) Corroborating affidavit of a nonrelative.

(5) The determination of residency shall be based upon verifiable circumstances or actions and authenticated copies of relevant documentation. The program administrator may request additional documentation to clarify circumstances and formulate a decision that considers all relevant facts.

Section 4. Nontransferability of Vested Participation Agreement. Although the participant may freely substitute beneficiaries under a participation, the residency status acquired by a beneficiary of a vested participation agreement shall not be used to confer such status on a substituted beneficiary, nor shall the residency of one (1) beneficiary be taken into account in the establishment of a vestment period of substituted beneficiary.

WAYNE STRATTON, Chairman

APPROVED BY AGENCY: June 30, 1992

FILED WITH LRC: July 15, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Thursday, August 27, 1992 at 9 a.m. at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 22, 1992, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Mr. Paul P. Borden, Executive Director, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact: Paul P. Borden

(1) Type and number of entities affected: There is no significant effect on any entities. This amended regulation merely eliminates definitions common to multiple regulations, which definitions are being added to a separate regulation.

(a) Direct and indirect costs or savings to those affected: There are no costs or savings attributed to this amended regulation. It eliminates definitions which are being added to a separate regulation.

1. First year: See (a) above.

2. Continuing costs or savings: See (a) above.

3. Additional factors increasing or decreasing costs (note any effects upon competition): See (a) above.

(b) Reporting and paperwork requirements: The proposed

amendments to the regulation impose no new paperwork or reporting requirements.

(2) Effects on the promulgating administrative body: The amendments to the regulation will have no significant effect on the promulgating body. It merely eliminates definitions in common usage by the Kentucky Educational Savings Plan Trust, which definitions are being added to a separate regulation.

(a) Direct and indirect costs or savings: There are no savings or costs.

1. First year: See (2) above.

2. Continuing costs or savings: See (2) above.

3. Additional factors increasing or decreasing costs: See (2) above.

(b) Reporting and paperwork requirements: The amended regulation will create no new reporting or paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: There will be no effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The elimination from this regulation of definitions and adding those definitions to a separate regulation will add a degree of simplification and uniformity to the matter of common usage definitions.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no conflict, overlapping, or duplication of any statute, administrative regulation or government policy.

(a) Necessity of proposed regulation if in conflict: There is no conflict.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There is no conflict.

(6) Any additional information or comments: This amended regulation could be considered a housekeeping procedure. It merely eliminates common usage definitions which are being added to a separate regulation.

Tiering: Was tiering applied? No. The concept of tiering is not applicable to amendment of this regulation to delete definitions. See (6) above.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY (Proposed Amendment)

11 KAR 12:050. Substitution of a beneficiary.

RELATES TO: KRS 164A.325(5) [(6)], 164A.330(7), (8), 164A.340
STATUTORY AUTHORITY: KRS 164A.325(9) [(40)]

NECESSITY AND FUNCTION: KRS 164A.330(7), (8) and 164A.340 establishes the statutory framework for the substitution of a beneficiary, and KRS 164A.325(5) [(6)] provides, in pertinent part, that the trust may promulgate, impose and collect administrative fees and charges in connection with the transactions of the trust. KRS 164A.340 provides, in pertinent part, that the trust may require adjustment of either payments or benefits in the event that a substituted beneficiary is eligible for enrollment at an institution on a date earlier than the original beneficiary. This regulation establishes the notice provision for substitution of a beneficiary and administrative fee in the event of multiple substitutions. In addition, this regulation is necessary to clarify and establish, respectively, the obligations of the participant and the trust in the event that the substituted beneficiary is older or younger than the original. This amendment is necessary to eliminate definitions common to multiple regulations, which definitions are being added to a separate regulation.

[Section 1. Definitions. (1) "Administrative fee" shall mean the fee charged by the trust on substitution of a beneficiary.

(2) "Beneficiary" (as defined in KRS 164A.305(3)).

(3) "Benefits" (as defined in KRS 164A.305(4)).

(4) "Endowment fund" (as defined in KRS 164A.305(6)).

(5) "Institution of higher education" (as defined in KRS

~~164A.305(9)).~~

~~(6) "Notice to substitute beneficiary" shall mean the form which a participant submits to the program administrator to substitute a beneficiary.~~

~~(7) "Participant" (as defined in KRS 164A.305(10)).~~

~~(8) "Participation agreement" (as defined in KRS 164A.305(11)).~~

~~(9) "Program administrator" (as defined in KRS 164A.305(12)).~~

~~(10) "Program fund" (as defined in KRS 164A.305(13)).]~~

Section 1. [2.] Substitution. (1) A participant may substitute a beneficiary at any time. If a participant desires to substitute the beneficiary, then a participant shall give written notice to the program administrator by submitting a "notice to substitute beneficiary." No administrative fee shall be charged for the first two (2) substitutions of beneficiary.

(2) Older beneficiary. If a substituted beneficiary would be eligible for enrollment at an institution of higher education on a date earlier than the original beneficiary, a participant shall submit a notice to substitute beneficiary to the program administrator not less than ninety (90) days before the date on which the substituted beneficiary attains age fifteen (15). The benefits shall be paid at a reduced rate equal to the rate of return generated by the program fund [and endowment fund] during such lesser time period.

(3) Multiple. If a participant substitutes a beneficiary under a participation agreement more than twice, then the trust shall require the participant to pay an administrative fee of twenty-five (25) dollars.

(4) In order for a substitution of beneficiary to be effective, the substituted beneficiary shall be eligible, pursuant to 11 KAR 12:030, on the date that the notice to substitute beneficiary is submitted.

WAYNE STRATTON, Chairman

APPROVED BY AGENCY: June 30, 1992

FILED WITH LRC: July 15, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Thursday, August 27, 1992 at 9 a.m. at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 22, 1992, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Mr. Paul P. Borden, Executive Director, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact: Paul P. Borden

(1) Type and number of entities affected: There is no significant effect on any entities. This amended regulation merely eliminates definitions common to multiple regulations, which definitions are being added to a separate regulation.

(a) Direct and indirect costs or savings to those affected: There are no costs or savings attributed to this amended regulation. It eliminates definitions which are being added to a separate regulation.

1. First year: See (a) above.

2. Continuing costs or savings: See (a) above.

3. Additional factors increasing or decreasing costs (note any effects upon competition): See (a) above.

(b) Reporting and paperwork requirements: The proposed amendments to the regulation, impose no new paperwork or reporting requirements.

(2) Effects on the promulgating administrative body: The amendments to the regulation will have no significant effect on the promulgating body. It merely eliminates definitions in common usage by the

Kentucky Educational Savings Plan Trust, which definitions are being added to a separate regulation.

(a) Direct and indirect costs or savings: There are no savings or costs.

1. First year: See (2) above.

2. Continuing costs or savings: See (2) above.

3. Additional factors increasing or decreasing costs: See (2) above.

(b) Reporting and paperwork requirements: The amended regulation will create no new reporting or paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: There will be no effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The elimination from this regulation of definitions and adding those definitions to a separate regulation will add a degree of simplification and uniformity to the matter of common usage definitions.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no conflict, overlapping, or duplication of any statute, administrative regulation or government policy.

(a) Necessity of proposed regulation if in conflict: There is no conflict.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There is no conflict.

(6) Any additional information or comments: This amended regulation could be considered a housekeeping procedure. It merely eliminates common usage definitions which are being added to a separate regulation.

Tiering: Was tiering applied? No. The concept of tiering is not applicable to the provisions of this regulation. See (6) above.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY (Proposed Amendment)

11 KAR 12:060. Cancellation and payment of refund.

RELATES TO: KRS 164A.325(5) [(6)], 164A.345

STATUTORY AUTHORITY: KRS 164A.325(9) [(10)]

NECESSITY AND FUNCTION: KRS 164A.345(1) provides, in pertinent part, that any participant may cancel a participation agreement at will and specifies the amount of refund the participant is entitled to at various stages. That statute authorizes an administrative fee to be charged by the trust. This regulation is necessary to establish the procedures for cancellation and refund and to specify the administrative fee.

Section 1. Definitions. [(1) "Account" shall denote the account in the program fund established and maintained under the trust for a beneficiary.

(2) "Administrative refund fee" shall mean the fee charged by the trust to cover the costs of processing the cancellation and refunding the account.]

(3) "Hardship" or "emergency" shall mean those circumstances and conditions of a sudden nature, including catastrophic illness, which deprive the participant or his dependent from the basic necessities or comforts of life or proper health care.

[(4) "Notice to terminate the participation agreement" shall mean the form which a participant submits to the program administrator to cancel a participation agreement under the trust.

(5) "Participant" (as defined in KRS 164A.305(10)).

(6) "Participation agreement" (as defined in KRS 164A.305(11)).

(7) "Program administrator" (as defined in KRS 164A.305(12)).

(8) "Program fund" (as defined in KRS 164A.305(13)).

(9) "Vested participation agreement" (as defined in KRS 164A.305(15)).]

Section 2. Cancellation. (1) A participant may at any time cancel

a participation agreement, without cause, by submitting to the program administrator a notice to terminate the participation agreement.

(2) Except as provided in KRS 164A.345(2) or subsection (3) of this section, an administrative refund fee shall be deducted from the account balance refunded to the participant. The administrative fee shall be the lesser amount of two (2) percent of the total balance in the participant's account or twenty-five (25) dollars. The amount to be refunded pursuant to KRS 164A.345, less the administrative fee, shall be mailed or otherwise sent to the participant within sixty (60) days after receipt by the program administrator of notice to terminate the participation agreement.

(3) Hardship or emergency. If a participant terminates or cancels the participation agreement under conditions of hardship or emergency, then the program administrator shall immediately refund money from the account in accordance with KRS 164A.345(1), without deduction of an administrative refund fee. The participant shall submit verifiable evidence of the hardship to the program administrator simultaneous with submission of the notice to terminate the participation agreement.

WAYNE STRATTON, Chairman

APPROVED BY AGENCY: June 30, 1992

FILED WITH LRC: July 15, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Thursday, August 27, 1992 at 9 a.m. at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 22, 1992, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Mr. Paul P. Borden, Executive Director, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact: Paul P. Borden

(1) Type and number of entities affected: There is no significant effect on any entities. This amended regulation merely eliminates definitions common to multiple regulations, which definitions are being added to a separate regulation.

(a) Direct and indirect costs or savings to those affected: There are no costs or savings attributed to this amended regulation. It eliminates definitions which are being added to a separate regulation.

1. First year: See (a) above.

2. Continuing costs or savings: See (a) above.

3. Additional factors increasing or decreasing costs (note any effects upon competition): See (a) above.

(b) Reporting and paperwork requirements: The proposed amendments to the regulation, impose no new paperwork or reporting requirements.

(2) Effects on the promulgating administrative body: The amendments to the regulation will have no significant effect on the promulgating body. It merely eliminates definitions in common usage by the Kentucky Educational Savings Plan Trust, which definitions are being added to a separate regulation.

(a) Direct and indirect costs or savings: There are no savings or costs.

1. First year: See (2) above.

2. Continuing costs or savings: See (2) above.

3. Additional factors increasing or decreasing costs: See (2) above.

(b) Reporting and paperwork requirements: The amended

regulation will create no reporting or paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: There will be no effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: There are no viable alternatives. The elimination from this regulation of definitions and adding those definitions to a separate regulation will add a degree of simplification and uniformity to the matter of common usage definitions.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no conflict, overlapping, or duplication of any statute, administrative regulation or government policy.

(a) Necessity of proposed regulation if in conflict: There is no conflict.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There is no conflict.

(6) Any additional information or comments: This amended regulation could be considered a housekeeping procedure. It merely eliminates common usage definitions which are being added to a separate regulation.

Tiering: Was tiering applied? No. The concept of tiering is not applicable to the provisions of this regulation. See (6) above.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY (Proposed Amendment)

11 KAR 12:070. Benefits payable from the Kentucky educational savings plan trust program fund.

RELATES TO: KRS 164A.310(8), 164A.330(5), 164A.335(1) [(3)]

STATUTORY AUTHORITY: KRS 164A.325(9) [(10)]

NECESSITY AND FUNCTION: KRS 164A.310(8), 164A.335(5) and 164A.335(1) [(3)] establishes the statutory framework for payment of benefits to an institution from the program fund. This regulation is necessary to establish the maximum benefits payable in any academic period, the duration of the payments, the payment of benefits for a beneficiary residing off campus and the notice provisions in the event of a refund of the payments for nonuse or unused benefits from the program fund.

Section 1. Definitions. [(1) "Academic period" shall mean, as applicable to the beneficiary's program of study, one (1) semester, one (1) quarter, or an equivalent period for a vocational-technical institution of higher education.]

(1) [(2)] "Academic year" shall mean the period beginning July 1 and ending June 30 of the following year.

[(3) "Account" shall denote the account in the program fund established and maintained under the trust for a beneficiary.]

(4) "Beneficiary" (as defined in KRS 164A.305(3)).

(5) "Benefits" (as defined in KRS 164A.305(4)).

(6) "Endowment fund" (as defined in KRS 164A.305(6)).

(2) [(7)] "Higher education costs" (as defined in KRS 164A.305(7)).

[(8) "Institution of higher education" (as defined in KRS 164A.305(8)).]

(3) [(9)] "Investment income" shall mean the earnings from the investments in the program fund.

[(10) "Notice to delay benefits under participation agreement" shall mean the form which a participant shall submit to the program administrator to delay payment of benefits under a participation agreement beyond the beneficiary's age of eighteen (18).]

[(11) "Notice to use trust benefits" shall mean the form which a participant submits to the program administrator specifying the date on which payment of benefits is to commence and the level of benefits to be paid.]

(12) "Participant" (as defined in KRS 164A.305(10)).

(13) "Payments" shall denote the money paid by the participant to the trust under the participation agreement.

- (14) "Program administrator" (as defined in KRS 164A.305(12));
 (15) "Program fund" (as defined in KRS 164A.305(13));]

Section 2. Distribution of Benefits. (1) Upon submission of a notice to use trust benefits, the participant shall specify the level of benefits to be paid. The participant may elect distribution of an allotment of the account balance, calculated by dividing the account balance by the number of academic periods in the beneficiary's program of study, or a higher amount, which shall not exceed the beneficiary's higher education costs for each academic period. The participant may adjust the level of benefits paid in any academic period by notifying the program administrator in writing.

(2) Distribution of benefits shall begin within sixty (60) days after receipt by the program administrator of a notice to use trust benefits and shall continue throughout the beneficiary's period of enrollment at an institution of higher education, or until the account balance has been exhausted, whichever occurs first.

(3) In the event a participant transfers ownership rights pursuant to KRS Chapter 385, Uniform Transfers to Minors Act, notwithstanding KRS 385.202(1), which mandates the transfer of custodial property to the minor upon attainment of age eighteen (18), the property shall be distributed for postsecondary educational purposes in accordance with the terms of the participation agreement during each academic period of the beneficiary's educational program.

(4) ~~(3)~~ Except as provided in Section 3 of this regulation, each distribution of benefits shall be paid directly to the beneficiary's institution of higher education.

Section 3. Beneficiary Residing Off Campus. If a beneficiary resides off campus, then the program administrator shall pay to the beneficiary, in addition to the amounts paid to the institution, an amount equal to the cost of lodging and meal ticket for an academic period as established by said institution for on-campus students. However, the amounts paid to the institution and the beneficiary shall not exceed the amount payable in any academic period from the program fund ~~[and the endowment fund]~~ or exceed the higher education costs for that institution.

Section 4. Nonenrollment. If a beneficiary does not enroll in an institution of higher education by the first academic period of the academic year that begins after the beneficiary attains the age of eighteen (18), or if the beneficiary interrupts enrollment (other than normal intersemester vacation periods), then the program administrator shall refund the balance of payments and investment income remaining in the account in accordance with KRS 164A.350, unless the participant submits either a notice to delay benefits under the participation agreement or a notice to use trust benefits.

Section 5. Unused Benefits. (1) During academic period. If a beneficiary's higher education costs are less than the benefits due for any academic period, then that portion of the unused benefits shall accumulate to the beneficiary's account. The unused benefits plus the beneficiary's entitlement in the program fund in any academic period not exceeding the higher education costs may be paid to the institution for the beneficiary in the next succeeding academic period.

(2) After graduation. If the beneficiary graduates from an institution of higher education, and a balance in the beneficiary's account remains, then the program administrator shall pay the balance of the payments and the investment income to the participant, ~~and the balance of the investment income to the beneficiary~~. The program administrator shall make the payment from the program fund within sixty (60) days from the date of the beneficiary's graduation.

WAYNE STRATTON, Chairman

APPROVED BY AGENCY: June 30, 1992

FILED WITH LRC: July 15, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Thursday, August 27, 1992 at 9 a.m. at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing

by August 22, 1992, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Mr. Paul P. Borden, Executive Director, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact: Paul P. Borden

(1) Type and number of entities affected: Thus far, seven participants have transferred ownership rights to minor beneficiaries of the Kentucky Educational Savings Plan Trust. It is expected that the number will increase. An undetermined, but ever increasing, number of participants and beneficiaries of the Kentucky Educational Savings Plan Trust.

(a) Direct and indirect costs or savings to those affected: There are no costs or savings to the parties affected. The amendment to the regulation merely provides for the distribution of trust benefits during a beneficiary's enrollment period. In the event a participant transfers ownership rights to a minor, then, notwithstanding the provision of KRS Chapter 385, Uniform Transfers to Minors Act, the distribution will occur in installments over the periods of enrollment in accordance with the participation agreement rather than a lump sum distribution at age 18.

1. First year: See (1) and (a) above.

2. Continuing costs or savings: See (1) and (a) above.

3. Additional factors increasing or decreasing costs (note any effects upon competition): See (1) and (a) above.

(b) Reporting and paperwork requirements: Participants and beneficiaries must submit a minimum of paperwork to apprise the trust of enrollment periods and educational changes.

(2) Effects on the promulgating administrative body: Adoption of this amended regulation has no significant impact on the promulgating administrative body.

(a) Direct and indirect costs or savings: None. The provisions of this regulation affect no costs or savings changes.

1. First year: See (2) and (a) above.

2. Continuing costs or savings: See (2) and (a) above.

3. Additional factors increasing or decreasing costs: See (2) and (a) above.

(b) Reporting and paperwork requirements: A minimal amount of paperwork would be necessitated by responding to inquiries by participants and beneficiaries.

(3) Assessment of anticipated effect on state and local revenues: Implementation of this regulation will have no effect on state or local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: There are no viable alternatives.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: Contrary to the provisions of the Uniform Transfers to Minors Act, KRS Chapter 385, the regulation provides that assets accumulated for the benefit of a minor shall, upon attainment of the ages of 18 by the minor be distributed for educational purposes in accordance with the terms of the participation agreement.

(a) Necessity of proposed regulation if in conflict: The regulation is necessary to ensure compliance and conformity with the provisions of the enabling statute, KRS 164A.325(9).

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: KRS 164A.350 was amended by HB 610 in the 1992 regular session of the General Assembly to provide for distribution of benefits in accordance with regulations and the terms of the participation agreement notwithstanding

ing KRS 385.202(1). This regulation is being amended to recognize that change.

(6) Any additional information or comments: This amended regulation also eliminates a number of definitions which are being incorporated in another regulation, and it recognizes another statutory change, amending KRS 164A.350, that provides for return of unused funds to the participant following graduation of the beneficiary.

Tiering: Was tiering applied? No. The concept of tiering is not applicable to the provisions of this regulation. All parties impacted by the provision of this regulation are afforded equal and equitable considerations.

**KENTUCKY HIGHER EDUCATION
ASSISTANCE AUTHORITY
(Proposed Amendment)**

11 KAR 12:090. Transfer of ownership of Kentucky educational savings plan trust program fund.

RELATES TO: KRS 164A.350(6), Chapter 385
STATUTORY AUTHORITY: KRS 164A.325(9) [(40)]

NECESSITY AND FUNCTION: KRS 164A.350 states that the participant retains ownership of the principal amount of payments to the program fund, and that the trust retains ownership of the investment income until distributions are made. KRS 164A.300 through 164A.380 provide to the participant reversionary rights in the investment income in the event of termination, and confer upon the participant various powers to terminate the participation agreement, substitute beneficiaries, and delay distribution of benefits. Nothing in the foregoing statutes prohibits a participant from transferring these rights and ownership and reversionary interests to another eligible participant or to a minor beneficiary under the Uniform Transfers to Minors Act. Furthermore, nothing in the foregoing statutes precludes a beneficiary from also being a participant. This regulation permits such a transfer and sets forth the procedures to facilitate a transfer under the Uniform Transfers to Minors Act.

[Section 1. Definitions. (1) "Beneficiary" (as defined in KRS 164A.305(3)).

(2) "Benefits" (as defined in KRS 164A.305(4)).

(3) "Participant" (as defined in KRS 164A.305(10)).

(4) "Participation agreement" (as defined in KRS 164A.305(11)).

(5) "Payments" shall denote the money paid by the participant to the program fund under the participation agreement.

(6) "Program administrator" (as defined in KRS 164A.305(12)).

(7) "Program fund" (as defined in KRS 164A.305(13)).

(8) "Trust" shall mean the Kentucky educational savings plan trust.]

Section 1. [2.] General Rule. A participant may assign ownership interest in payments to another eligible participant at any time. An assignment of ownership shall only be effective to transfer ownership interest in the trust if the assignment:

(1) Is to another individual who qualifies as eligible pursuant to 11 KAR 12:030;

(2) Is irrevocable;

(3) Transfers all ownership, reversionary rights, and powers of appointment (i.e., power to substitute beneficiaries) and to direct the distribution of benefits; and

(4) Is in writing and submitted to the program administrator.

Section 2. [3.] Subject to Section 2 of this regulation and in accordance with KRS Chapter 385, a participant, eighteen (18) years old or older, may make a gift of the ownership interest in the program fund to a minor beneficiary by designating in the assignment that the transfer is to a qualified [the trust as] custodian for the beneficiary.

Section 3. [4.] Upon receipt of a valid assignment of ownership, the assignee shall be considered the participant for all purposes of KRS 164A.300 through 164A.380, regardless of the source of

subsequent payments.

WAYNE STRATTON, Chairman

APPROVED BY AGENCY: June 30, 1992

FILED WITH LRC: July 15, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Thursday, August 27, 1992 at 9 a.m. at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 22, 1992, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Mr. Paul P. Borden, Executive Director, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact: Paul P. Borden

(1) Type and number of entities affected: There is no significant effect on any entities. This amended regulation merely eliminates definitions common to multiple regulations, which definitions are being added to a separate regulation.

(a) Direct and indirect costs or savings to those affected: There are no costs or savings attributed to this amended regulation. It eliminates definitions which are being added to a separate regulation.

1. First year: See (a) above.

2. Continuing costs or savings: See (a) above.

3. Additional factors increasing or decreasing costs (note any effects upon competition): See (a) above.

(b) Reporting and paperwork requirements: The proposed amendments to the regulation impose no new paperwork or reporting requirements.

(2) Effects on the promulgating administrative body: The amendments to the regulation will have no significant effect on the promulgating body. It merely eliminates definitions in common usage by the Kentucky Educational Savings Plan Trust, which definitions are being added to a separate regulation.

(a) Direct and indirect costs or savings: There are no savings or costs.

1. First year: See (2) above.

2. Continuing costs or savings: See (2) above.

3. Additional factors increasing or decreasing costs: See (2) above.

(b) Reporting and paperwork requirements: The amended regulation will create no new reporting or paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: There will be no effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The elimination from this regulation of definitions and adding those definitions to a separate regulation will add a degree of simplification and uniformity to the matter of common usage definitions.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no conflict, overlapping, or duplication of any statute, administrative regulation or government policy.

(a) Necessity of proposed regulation if in conflict: There is no conflict.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There is no conflict.

(6) Any additional information or comments: This amended regulation could be considered a housekeeping procedure. It merely

eliminates common usage definitions which are being added to a separate regulation.

Tiering: Was tiering applied? No. The concept of tiering is not applicable to amendment of this regulation to delete definitions. See (6) above.

**GENERAL GOVERNMENT CABINET
Board of Pharmacy
(Proposed Amendment)**

201 KAR 2:010. Schools approved by the board.

RELATES TO: KRS 315.050

STATUTORY AUTHORITY: KRS 315.050, 315.191(1)

NECESSITY AND FUNCTION: The Kentucky Board of Pharmacy is directed by KRS 315.050(1) to approve the schools or colleges of pharmacy whose curricula or course of studies are acceptable. This regulation is to assure that applicants for licensure are graduates of acceptable and approved colleges or schools.

Section 1. Every applicant for licensure as a pharmacist, other than graduates of foreign colleges or schools of pharmacy, shall have graduated and received a degree in an accredited pharmacy degree program which has been approved by the Board of Pharmacy. Approved programs shall be those programs whose standards are equivalent to the minimum standards required by the American Council on Pharmaceutical Education for the accreditation of such programs. The American Council on Pharmaceutical Education, "Accreditation Standards and Guidelines," 8th Edition, July, 1984, effective January 1, 1985; and the American Council on Pharmaceutical Education, "Accredited Professional Programs of Colleges and Schools of Pharmacy", July 1, 1991, are incorporated by reference. A copy of the referenced material may be reviewed at or obtained from the Kentucky Board of Pharmacy, 1228 U.S. 127 South, Frankfort, Kentucky 40601, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

Section 2. Each applicant for licensure as a pharmacist who shall have graduated and received a degree in a foreign pharmacy degree program shall be deemed to be a graduate of a pharmacy degree program which has been approved by the Board of Pharmacy if they have obtained a Foreign Pharmacy Graduate Examination Committee Certificate through the Foreign Pharmacy Graduate Examination Committee Certification Program which is administered by the National Association of Boards of Pharmacy Foundation.

TOM HOUGHENS, President

APPROVED BY AGENCY: July 8, 1992

FILED WITH LRC: July 9, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this proposed amendment to administrative regulation shall be held on August 26, 1991 at 10 a.m. at the Kentucky Board of Pharmacy, 1228 U.S. 127 South, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 21, 1992, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Richard Ross, Executive Director, Kentucky Board of Pharmacy, 1228 U.S. 127 South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Richard L. Ross

(1) Type and number of entities affected: Have had inquiries from approximately ten to twenty foreign pharmacy graduates per year.

(a) Direct and indirect costs or savings to those affected: No added costs or savings.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: No added paperwork required.

(2) Effects on the promulgating administrative body: Have had inquiries from approximately ten to twenty foreign pharmacy graduates per year.

(a) Direct and indirect costs or savings: No added costs or savings.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No added paperwork required.

(3) Assessment of anticipated effect on state and local revenues: No effect on state or local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Allows foreign graduates option to sit for pharmacy board examinations.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

TIERING: Was tiering applied? No. N/A

**GENERAL GOVERNMENT CABINET
Board of Pharmacy
(Proposed Amendment)**

201 KAR 2:020. Examinations.

RELATES TO: KRS Chapter 315

STATUTORY AUTHORITY: KRS 315.050(2), 315.191(1), (2), (4)

NECESSITY AND FUNCTION: The Kentucky Board of Pharmacy is directed by KRS 315.191(4) to prescribe the time, place, method, manner, scope and subjects of examination of applicants for license to practice pharmacy in the Commonwealth. This regulation will establish continued fair and impartial examinations.

Section 1. No license to practice pharmacy, other than one issued by reciprocity, shall be issued except upon the successful passage of an examination prescribed by the Kentucky Board of Pharmacy.

Section 2. All examinations held by the Kentucky Board of Pharmacy shall be conducted at such locations within the state as may be designated by the board and shall be held at least twice annually. Detailed information as to the time and place of examinations may be procured from the executive director of the board.

Section 3. Examinations shall be adequate to test the knowledge, education and competency of applicants and shall consist of three (3) tests: the National Association of Boards of Pharmacy Licensure Examination, an operative/practical examination, and jurisprudence.

Section 4. No person shall be deemed to have successfully passed an examination conducted by the Kentucky Board of Pharmacy unless he obtains the following scores:

(1) At least seventy-five (75) on the basis of the National Association of Boards of Pharmacy Licensure Examination in order

to meet the requirements of Article II, Section 4, (A)(3), of the National Association of Boards of Pharmacy Bylaws. The operative/practical and jurisprudence grades shall not be used in computing the National Association of Boards of Pharmacy Licensure Examination score;

(2) At least seventy-five (75) on any operative/practical examination;

(3) At least eighty (80) on jurisprudence.

Section 5. If an applicant fails to obtain the necessary scores in any of the three (3) tests described in Section 3 of this regulation, he may upon proper application retake such tests upon the payment of the fee set forth in 201 KAR 2:050 ~~(a fee of seventy-five (75) dollars)~~ plus any direct costs for test materials and supplies. If subsequent reexamination is required, an additional fee equal to the original examination fee must be submitted. An applicant for reexamination must sit for such examination within one (1) year from the date he first fails the examination.

Section 6. All results of examinations shall be preserved. The questions shall be prepared or approved by the board. Written examinations shall be conducted in such manner that the results shall be entirely fair and impartial, the applicant being known only by numbers so that no examiner or member of the board may identify the paper of the applicant until after the examiners certify the results.

Section 7. An examination fee shall not be refunded after an application has been accepted by the board.

TOM HOUCHEMS, President

APPROVED BY AGENCY: July 8, 1992

FILED WITH LRC: July 9, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this proposed amendment to administrative regulation shall be held on August 26, 1991 at 10 a.m. at the Kentucky Board of Pharmacy, 1228 U.S. 127 South, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 21, 1992, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Richard Ross, Executive Director, Kentucky Board of Pharmacy, 1228 U.S. 127 South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Richard L. Ross

(1) Type and number of entities affected: The fees are being deleted from this regulation and moved to 201 KAR 2:050.

(a) Direct and indirect costs or savings to those affected:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: No change affected by this amendment.

(2) Effects on the promulgating administrative body: The fees are being deleted from this regulation and moved to 201 KAR 2:050.

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No change affected by this amendment.

(3) Assessment of anticipated effect on state and local revenues:

The fees are being deleted from this regulation and moved to 201 KAR 2:050.

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no conflict.

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

TIERING: Was tiering applied? No. N/A

GENERAL GOVERNMENT CABINET Board of Pharmacy (Proposed Amendment)

201 KAR 2:050. Licenses and permits; fees.

RELATES TO: KRS Chapter 315

STATUTORY AUTHORITY: KRS 315.035, 315.050, 315.060, 315.110(1), (2), 315.191(2), 315.195, 315.210

NECESSITY AND FUNCTION: This regulation is to provide reasonable fees for this agency to perform all the functions for which it is responsible and to operate within its budget. All monies are held in a trust and agency fund to the credit of the board.

Section 1. The following fees shall be paid in connection with pharmacist examinations and licenses, pharmacy permits, intern certificates and the issuance and renewal of licenses and permits:

(1) Application for a registered pharmacist license by examination including a license issued as a result thereof but does not include any direct costs for test materials and supplies - \$150 ~~[400]~~.

(2) Retake examination as described in 201 KAR 2:020 - \$100.

(3) ~~[(2)]~~ Application for a registered pharmacist license by reciprocity including license issued as a result thereof - \$250 ~~[450]~~.

(4) ~~[(3)]~~ Certifying the grades of a licensee of Kentucky to the licensing agency of another state - \$10 ~~[3]~~.

(5) ~~[(4)]~~ Annual renewal of a pharmacist license - \$70 ~~[50]~~.

(6) ~~[(5)]~~ Delinquent renewal penalty for a pharmacist license - \$70 ~~[50]~~.

(7) ~~[(6)]~~ Annual renewal of an inactive pharmacist license - \$10.

(8) ~~[(7)]~~ Pharmacy intern certificate valid four (4) years - \$25.

(9) ~~[(8)]~~ Duplicate pharmacist license certificate - \$20.

(10) ~~[(9)]~~ Application for a permit to operate a pharmacy - \$100.

(11) ~~[(10)]~~ Renewal of a permit to operate a pharmacy - \$100 ~~[75]~~.

(12) ~~[(11)]~~ Delinquent renewal penalty for a permit to operate a pharmacy - \$75 ~~[50]~~.

(13) ~~[(12)]~~ Change of location or change of ownership of a pharmacy permit - \$75 ~~[50]~~.

(14) Application for a permit to operate as a drug wholesaler or manufacturer - \$100.

(15) Renewal of a permit to operate as a drug wholesaler or manufacturer - \$100.

TOM HOUCHEMS, President

APPROVED BY AGENCY: July 8, 1992

FILED WITH LRC: July 9, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this proposed amendment to administrative regulation shall be held on August 26, 1991 at 10 a.m. at the Kentucky Board of Pharmacy, 1228 U.S. 127 South, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 21, 1992, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend

the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Richard Ross, Executive Director, Kentucky Board of Pharmacy, 1228 U.S. 127 South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Richard L. Ross

(1) Type and number of entities affected: Pharmacist applicants - 195; pharmacist renewals - 430; pharmacy renewals - 1200; pharmacy changes - 53; wholesalers/manufacturers - 50.

(a) Direct and indirect costs or savings to those affected: \$133,000 cost increase.

1. First year: Same

2. Continuing costs or savings: Same

3. Additional factors increasing or decreasing costs (note any effects upon competition): Fees have remained unchanged since 1983.

(b) Reporting and paperwork requirements: No change.

(2) Effects on the promulgating administrative body: Increase in revenue of \$133,000 to maintain equilibrium in the budget.

(a) Direct and indirect costs or savings:

1. First year: Same

2. Continuing costs or savings: Same

3. Additional factors increasing or decreasing costs: Cost of goods and services to agency in performance of its duties has steadily increased.

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: Agency revenues will more approximate its expenses.

(4) Assessment of alternative methods; reasons why alternatives were rejected: None available; agency is solely supported by its fees.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no conflict.

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

TIERING: Was tiering applied? No. N/A. The fees are adjusted to the maximums allowed by statutes in order that the agency may function on sound financial basis.

GENERAL GOVERNMENT CABINET

Board of Pharmacy (Proposed Amendment)

201 KAR 2:105. Licensing and drug distribution requirements for drug manufacturers and wholesalers.

RELATES TO: KRS Chapter 315

STATUTORY AUTHORITY: KRS 315.010, 315.036, 315.191(1)

NECESSITY AND FUNCTION: To establish uniform procedures and fees for the registration of all drug manufacturers and wholesalers and to implement the provisions of the Federal Prescription Drug Marketing Act of 1987, 21 USC § 321 et seq., 21 CFR 205.1 through 205.50; and to effect the federal act's requirement to license anyone in the wholesale distribution of prescription drugs. This applies to any person, partnership, corporation or other entity engaging in the wholesale distribution of prescription drugs within the Commonwealth.

Section 1. Definitions. (1) "Wholesale drug distributor" is defined by KRS 315.010(12), and excludes a common carrier or individual retained solely to transport prescription drugs and the lawful distribution of prescription drug samples by manufacturers or their representatives.

(2) "Wholesale drug distribution" means the distribution of legend drugs to persons other than consumers or patients, but shall not

include the sale, purchase, or trade of a legend drug, or offer of same:

(a) By a charitable organization as described in Section 501(c)(3) of the U.S. Internal Revenue Code of 1954 to a nonprofit affiliate of the organization to the extent permitted by law;

(b) By hospitals or other health-care entities under common control;

(c) To alleviate emergency medical necessity or temporary shortage between pharmacies;

(d) By a pharmacist dispensing pursuant to a valid prescription order;

(e) By intracompany sales;

(f) By blood banks.

(3) "Manufacturer" means anyone engaged in the commercial production, preparation, propagation, compounding, conversion or processing of a drug, either directly or indirectly, by extraction from substances of natural origin or independently by means of chemical synthesis, or both, and includes any packaging or repackaging or a drug or the labeling or relabeling of its container.

(4) "Prescription drug" means any human drug or medicinal gas required by federal law or regulation to be dispensed only by a prescription, including finished dosage forms and active ingredients subject to Section 503(b) [(6)] of the Federal Food, Drug, and Cosmetic Act.

(5) "Drug sample" means a unit of a prescription drug that is not intended to be sold and is intended to promote the sale of the drug.

(6) "Blood" means whole blood collected from a single donor and processed either for transfusion or further manufacturing.

(7) "Blood component" means that part of blood separated by physical or mechanical means.

Section 2. Requirements. (1) License shall be acquired pursuant to KRS 315.036.

(2) A separate license shall be required for each facility within the Commonwealth regardless of whether joint ownership or control exists.

(3) An agent or employee of a licensee need not seek licensure under this section when the agent or employee is acting in the usual course of business or employment.

(4) A license shall not be issued or renewed unless the applicant demonstrates or continues to demonstrate acceptable operational procedures, including, but not limited to:

(a) Adequate maintenance and storage conditions to ensure proper lighting, ventilation, temperature and humidity control, sanitation, space, and security as deemed appropriate by the Kentucky Board of Pharmacy or as per label requirements or official United States Pharmacopeia (USP) compendium requirements. Appropriate manual, electromechanical or electronic temperature and humidity recording equipment, devices, or logs shall be utilized to document proper storage of prescription drugs;

(b) Physical separation and quarantine of deteriorated, damaged, outdated, misbranded, adulterated or otherwise recalled merchandise until they are destroyed or returned;

(c) Providing accurate and precise records of all goods shipped or received including source or recipient, date, quantity, itemized description, and any other information pertinent to the transaction.

(d) All applicants for licensure as controlled substances wholesale drug distributors shall be registered with the state controlled substance authority, and with the U.S. Drug Enforcement Administration and comply with all DEA regulations.

(5) The Kentucky Board of Pharmacy may choose to adopt regulations to include out-of-state distributors or may reciprocally accept in lieu thereof licensure valid by a comparable authority equally recognizing Kentucky's requirements.

Section 3. Qualifications for License. (1) The minimum qualifications shall include:

(a) The Kentucky Board of Pharmacy shall consider, at a minimum, the following factors in reviewing the qualifications of persons who engage in wholesale distribution of prescription drugs within the Commonwealth:

1. Any convictions of the applicant under any federal, state, or local laws relating to drug samples, wholesale or retail drug distribution of controlled substances;

2. Any felony convictions of the applicant under federal, state, or local laws;

3. The applicant's past experience in the manufacture or distribution of prescription drugs, including controlled substances;

4. The furnishing by the applicant of false or fraudulent material in any application made in connection with drug manufacturing or distribution;

5. Suspension or revocation by federal, state, or local government of any license currently or previously held by the applicant for the manufacture or distribution of any drugs, including controlled substances;

6. Compliance with licensing requirements under previously granted licenses, if any;

7. Compliance with requirements to maintain or make available to the Kentucky Board of Pharmacy or to federal, state, or local law enforcement officials those records required under this section; and

8. Any other factors or qualifications the Kentucky Board of Pharmacy considers relevant to and consistent with the public health and safety.

(b) The Kentucky Board of Pharmacy shall have the right to deny a license to an applicant if it determines that the granting of such a license would not be in the public interest based on health and safety considerations.

(2) No license shall be issued pursuant to this regulation unless the applicant has furnished proof satisfactory to the Board of Pharmacy:

(a) That the applicant is in compliance with all applicable federal and state laws and regulations relating to drugs; and

(b) That the applicant is equipped as to land, buildings, and security to properly carry on the business described in his application.

(3) A duly licensed manufacturer or wholesaler may sell or distribute federal legend drugs only to the following [persons]:

(a) A currently licensed manufacturer;

(b) A currently licensed wholesaler;

(c) A currently licensed pharmacy;

(d) A currently licensed practitioner;

(e) A currently licensed hospital, but only for use by or in that hospital;

(f) A person in charge of a laboratory, but only for use in that laboratory for scientific and medical research purposes.

(4) A license issued pursuant to this regulation may be suspended or revoked for cause.

Section 4. License Fees; Renewals. (1) Applications for a license shall be submitted to the Board of Pharmacy on "Application for a License to Operate as a Drug Wholesaler or Manufacturer (KBP W/M 9:92 [2:92])". This form is incorporated by reference. It may be obtained, inspected, or copied at the Board of Pharmacy, 1228 U.S. 127 South, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(2) An application shall be accompanied by the [an] annual fee set forth in 201 KAR 2:050 [of seventy-five (75) dollars].

(3) All licenses shall:

(a) Expire on September 30 following date of issuance; and

(b) Be renewable annually thereafter upon proper application accompanied by the renewal fee set forth in 201 KAR 2:050 [of seventy-five (75) dollars] and shall be nontransferable.

Section 5. Standards. (1) Facilities. All buildings in which legend drugs are wholesaled, repackaged, stored, held, sold, offered for sale, exposed for sale, or kept for sale shall be of suitable size, construction, and location to facilitate cleaning, maintenance, and proper operations. Buildings shall meet all applicable federal, state, and local standards. The facility shall have a quarantine area for storage of prescription drugs that are outdated, damaged, deteriorated, misbranded, or adulterated, or that are in immediate or sealed secondary containers that have been opened. A facility shall not be located in a residence.

(2) Security.

(a) All wholesale drug distribution centers shall be equipped with an alarm system to detect entry after hours.

(b) Wholesale drug distributors shall ensure that access from outside their premises is well-controlled and reduced to a minimum. This includes, but is not limited to, the installation of adequate lighting at the outside perimeter of the premises.

(c) Internal security policies shall be developed to provide reasonable protection against theft and diversion by limiting access to areas where legend drugs are held to authorized personnel. These policies shall provide protection against tampering with computers or electronic records [theft and crimes].

(d) Licensees shall employ adequate personnel with the education and experience necessary to safely and lawfully engage in the wholesale distribution of prescription drugs.

(e) Lists of officers, directors, managers and other persons in charge of distribution, storage, and handling of prescription drugs, including a description of their duties and summary of their qualifications, shall be maintained for purpose of review.

(3) Recordkeeping.

(a) Inventories and other records of transactions regarding the receipt and disposition of legend drugs shall be maintained and readily [made] available for inspection or photocopying by authorized law enforcement officials [inspectors] for a period of two (2) years following disposition of the drugs. These records shall include:

1. The source of the drugs, including the name and principal address of the seller or transferor, and the address of the location from which the drugs were shipped;

2. The identity and quantity of the drugs received and distributed or disposed of; and

3. The dates of receipt and distribution or other distribution of the drugs.

(b) Records described in this section that are kept at the inspection site or that can be immediately retrieved by computer or other electronic means shall be readily available for authorized inspection during the retention period. Records kept at a central location apart from the inspection site and not electronically retrievable shall be made available for inspection within two (2) working days of a request by an authorized official of a federal, state, or local law enforcement agency.

(4) Written policies and procedures.

(a) Wholesale drug distributors shall establish, maintain, and adhere to written policies and procedures, which shall be followed for the receipt, security, storage, inventory, and distribution of prescription drugs, including policies and procedures for identifying, recording, and reporting losses or thefts and [There shall be written policies and procedures] to assure that the wholesale drug distributor prepares for, protects against, and handles crisis situations that affect the security or operation of the facility. Such crises shall include fires, floods, or other natural disasters, and situations of local, state, or national emergency.

(b) There shall be written policies and procedures for managing and correcting all errors or inaccuracies in inventories.

(c) There shall be written policies and procedures to assure that any outdated stock or any stock with an expiration date that, in the wholesale drug distributor's view, does not allow sufficient time for repackaging or resale shall be segregated from other stock and shall be prepared for return to the manufacturer or otherwise destroyed, and this shall be documented.

(d) There shall be written policies and procedures by which the wholesaler drug distributor exercises control over the shipping and receiving of all stock within the operation.

(5) Returned, damaged, and outdated prescription drugs [goods]. A wholesale operation shall maintain and follow a written procedure to assure the proper handling and disposal of returned goods. When conditions under which a prescription drug has been returned cast doubt on the drug's safety, identity, strength, quality, or purity, then the drug shall be destroyed, or returned to the supplier, unless examination, testing, or other investigation proves that the drug meets appropriate standards of safety, identity, strength, quality, and purity. In determining whether the conditions under which a drug has been

returned cast doubt on the drug's safety, identity, strength, quality, or purity, the wholesale drug distributor shall consider, among other things, the conditions under which the drug has been held, stored, or shipped before or during its return and the condition of the drug and its container, carton, or labeling, as a result of storage or shipping.

(6) Handling recalls. A wholesale operation shall maintain and follow written policy for handling recalls and withdrawals of products. The policy shall cover all recalls and withdrawals of drug products due to:

- (a) Any voluntary action on the part of the manufacturer;
- (b) The direction of the Food and Drug Administration, or any other federal, state, or local government agency; and
- (c) Replacement of existing merchandise with an improved product or new package design.

(7)(a) Visual examination of all materials received or shipped to guarantee product identity and to reasonably guard against acceptance or delivery of damaged, contaminated, tampered, or otherwise unfit stock shall be adequately effected.

(b) Procedures for distribution of approved stock shall provide for a rotation whereby the oldest inventory is distributed first.

(c) Wholesale drug distributors shall be subject to the provisions of any applicable federal, state, or local laws or regulations that relate to prescription drug product salvaging or reprocessing, including Chapter 21, Parts 207, 210, and 211 of the Code of Federal Regulations.

Section 6. Inspection Powers of the Kentucky Board of Pharmacy. The Kentucky Board of Pharmacy shall promulgate regulations as may be necessary to carry out the purpose and enforce the provisions of this regulation. All regulations promulgated shall conform to and not conflict with the wholesaler drug distribution guidelines adopted by the U.S. Food and Drug Administration or any applicable federal, state, or local laws and regulations and shall permit the Kentucky Board of Pharmacy and authorized federal, state, and local law enforcement officials to enter and inspect the premises and delivery vehicles, purporting or appearing to be used by any manufacturer or wholesaler, and audit records and operational procedures at reasonable times, in reasonable fashion, to the extent authorized by law.

Section 7. Violations. (1) A drug manufacturer or wholesaler shall not distribute legend drugs directly to a consumer or a patient or operate in a manner that endangers the public health.

(2) Violation of any of these provisions shall be grounds for the suspension or revocation of the license.

TOM HOUCHENS, President

APPROVED BY AGENCY: July 8, 1992

FILED WITH LRC: July 9, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this proposed amendment to administrative regulation shall be held on August 26, 1991 at 10 a.m. at the Kentucky Board of Pharmacy, 1228 U.S. 127 South, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 21, 1992, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Richard Ross, Executive Director, Kentucky Board of Pharmacy, 1228 U.S. 127 South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Richard L. Ross

- (1) Type and number of entities affected: The fees are being

deleted from this regulation and moved to 201 KAR 2:050. This regulation is further amended to mirror image the federal act as is required.

- (a) Direct and indirect costs or savings to those affected:

- 1. First year:
- 2. Continuing costs or savings:
- 3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: No change affected by this amendment.

(2) Effects on the promulgating administrative body: The fees are being deleted from this regulation and moved to 201 KAR 2:050. This regulation is further amended to mirror image the federal act as is required.

- (a) Direct and indirect costs or savings:

- 1. First year:
- 2. Continuing costs or savings:
- 3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No change affected by this amendment.

(3) Assessment of anticipated effect on state and local revenues: The fees are being deleted from this regulation and moved to 201 KAR 2:050. This regulation is further amended to mirror image the federal act as is required.

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no conflict.

- (a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

- (6) Any additional information or comments:

TIERING: Was tiering applied? No. N/A

GENERAL GOVERNMENT CABINET

Board of Speech-Language Pathology and Audiology (Proposed Amendment)

201 KAR 17:090. Continuing education requirements.

RELATES TO: KRS 334A.170

STATUTORY AUTHORITY: KRS 334A.080

NECESSITY AND FUNCTION: This regulation delineates the requirements for continuing education and prescribes methods and standards for the accreditation of continuing education courses.

Section 1. Continuing Education Hour [Unit] Defined; Accrual of Continuing Education Hours [Units] Mandatory; Computation of Accrual. ~~[A continuing education unit (CEU) shall be the basic unit of measurement used to credit individuals with continuing education activities for licensure.]~~ One (1) continuing education hour means sixty (60) [CEU is defined as ten (10)] contact minutes [hours] of participating in continuing educational experiences. ~~[Beginning in 1997 for each licensee,]~~ A minimum of fifteen (15) continuing education hours shall [one and five tenths (1.5) CEU's must] be accrued by each licensee during the licensure period for [licensure] renewal for the following year. The licensure period shall be January 1 through December 31 of each calendar year. All hours shall ~~[must]~~ be in or related to the field of speech-language pathology or audiology and in the specific area for which licensure is sought. Individuals who hold a license in both speech-language pathology and audiology will be required to complete a minimum of twenty-five (25) continuing education hours [two and five tenths (2.5) CEU's] during the licensure period for [licensure] renewal for the following year. ~~These [it is expected that such] individuals shall [will] obtain continuing education hours [CEU credit]~~ in both areas of licensure.

Section 2. Methods of Acquiring Continuing Education Hours [Units]. The following educational activities are examples of, but not

limited to, methods of acquiring continuing education hours [units] provided they are directly related to the professional growth and development of speech-language pathologists and/or audiologists:

(1) Short courses, miniseminars, self-study programs or independent studies, and teleconferences sponsored or approved by the American Speech-Language-Hearing Association;

(2) Educational sessions of the Kentucky Speech-Language-Hearing Association state convention and/or regional conferences; or [.]

(3) The following types of educational activities may be submitted to the board for approval provided they are directly related to the fields of speech-language pathology and/or audiology:

(a) Educational sessions provided within the licensee's work setting;

(b) College credit courses approved by and/or acceptable to the board taken for credit or through official audit;

(c) Scientific and educational lectures, workshops or seminars;

(d) Scientific and educational lectures, workshops, or seminars presented by the licensee: A maximum of two (2) continuing education hours [two-tenths (.2) CEU] may be credited for scientific and educational lectures, workshops, or seminars presented by the licensee. The two (2) hour [two-tenths (.2) CEU] maximum credit for presentations by the licensee will be applicable to only one (1) licensee (speech-language pathology or audiology) for those individuals who hold dual licensure.

(4) Related continuing education subjects which are not specifically a part of the field of speech-language pathology or audiology may be approved for up to two (2) continuing education hours if the board believes that the related areas serve to enhance the licensee's ability to practice. The two (2) hour maximum credit for related areas of study by the licensee shall be applicable to only one (1) licensee (speech-language pathology or audiology) for those individuals who hold dual licensure.

Section 3. Procedures for Accreditation of Sponsors and Approval of Continuing Education Activities. [(1) An institution, organization, agency, or individual desiring to be designated as an accredited sponsor of continuing education activities shall apply on a form provided by the board. If approved by the board, such institution, organization, agency, or individual shall be designated as an accredited sponsor of continuing education activities, and the activities of such an approved sponsor which are relevant to speech-language pathology and audiology shall be deemed automatically approved for continuing education credit for a period of one (1) year from the date of approval by the board.]

(2) An institution, organization, agency, or individual shall be qualified for approval as a sponsor of continuing education activities if the board determines that:

(a) The sponsor is approved by the American Speech-Language-Hearing Association; or

(b) The sponsor presents organized programs of learning; and

(c) The sponsor presents subject matter which integrally relates to the practice of speech-language pathology and/or audiology; and

(d) The sponsor's program activities contribute to the professional competency of the licensee; and

(e) The sponsor's program presenters are individuals who have education, training, or experience acceptable to the board.

(3) Prior approval of continuing education activities may be requested from the board by an institution, organization, agency, or individual licensee who [other than an accredited sponsor which] desires approval of a continuing education activity prior to its presentation. A licensee who desires to establish accreditation of continuing education activity prior to attendance shall be received at [apply for approval to] the board no later than [at least] forty-five (45) days in advance of the commencement of the activity, on a form provided by the board, stating the type of learning activity, the subject matter, the names and qualifications of the instructors, and the number of continuing education hours offered. A continuing education activity shall qualify [be qualified] for approval if the board determines that the activity being presented:

(1) [(a)] Is an organized program of learning; and

(2) [(b)] Pertains to subject matters which integrally relate to the practice of speech-language pathology and/or audiology; and

(3) [(c)] Contributes to the professional competency of the licensee; and

(4) [(d)] Is conducted by individuals who have education training, or experience acceptable to the board.

Section 4. Responsibilities and Reporting Requirements of Licensees. The ultimate responsibility for continuing education activities rests with the individual. His responsibility is to identify his own continuing education needs, to take the initiative in seeking continuing professional education activities to meet these needs, and to seek ways to integrate new knowledge, skills and attitudes. Each licensee has specific responsibility to:

(1) [(a)] Select approved activities by which to earn continuing education hours [CEU's];

(2) [(b)] Obtain from the board prior approval for continuing education activities not accredited by the board;

(3) Maintain records of continuing education hours. Each licensee shall maintain, for a period of three (3) years, all documentation verifying successful completion of continuing education hours. During each licensure renewal period, up to fifteen (15) percent of all licensees shall be required by the board to furnish documentation of the completion of the appropriate number of continuing education hours for a period not to exceed the current renewal period and the two (2) years immediately preceding. Verification of continuing education hours is not otherwise to be reported to the board;

[(e) Keep records of, and report to the board on forms provided by the board a record of continuing education activities not later than thirty (30) days after the activity;]

(4) [(d) Document to the board details of all CEU's earned.]

Documentation of attendance and participation in a continuing education activity may be in the form of, but not limited to, official documents such as transcripts, certificates, affidavits signed by instructors, receipts for fees paid to the sponsor, or less formal evidence such as written summaries of experiences that are not otherwise formally or officially documented in any way. The type of documentation required varies depending on the specific activity submitted to the board for approval; and

(5) Fully comply with the provisions of this regulation. Failure to comply shall constitute unprofessional conduct as set forth in KRS 334A.180 and may result in the refusal to renew, suspension, or revocation of the license.

Section 5. Carry-over of Continuing Education Hours [Units Prohibited]; One (1) year Exemption for Newly Licensed Persons. (1) Continuing education hours earned in excess of those required under Section 1 of this regulation may [units shall not] be carried over into the immediately following licensure renewal period to the following extent: [.]

(a) A licensee holding one (1) license may carry over five (5) continuing education hours; or

(b) A licensee holding dual licensure may carry over eight (8) continuing education hours.

(2) Those persons newly licensed during the license renewal period shall not be required to complete continuing education as a prerequisite for the [their] first renewal of their license.

Section 6. Board to Approve Continuing Education Hours [Units]; Appeal when Approval Denied. (1) The board may [reserves the right to] appoint a committee to review all applications for approval of continuing education hours [CEU's].

(2) In the event of denial, in whole or part, of any application for approval of continuing education hours [CEU's], the licensee shall have the right to appeal in writing to the board. Notice of such appeal shall [must] be received by the board within thirty (30) days after the entry date of the board's order denying approval of continuing education hours [CEU's].

(3) A hearing before the full board may be held at the request of the licensee if the written appeal is denied, provided the board receives written request for such hearing within ten (10) days after the

entry date of the board's order denying the written appeal.

Section 7. Interim Licensees. Continuing education requirements do not apply to the holders of interim licenses.

GEORGE O. PURVIS, Chairman

APPROVED BY AGENCY: July 7, 1992

FILED WITH LRC: July 15, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 25, 1992, at 9:30 a.m. at the offices of the Division of Occupations and Professions, located at the Berry Hill Annex, 700 Louisville Road, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing by August 20, 1992, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: David L. Nicholas, Director, Division of Occupations and Professions, P.O. Box 456, Frankfort, Kentucky 40602.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: David L. Nicholas

(1) Type and number of entities affected: There are 800 speech-language pathologists and 121 audiologists. All licensees not on active status must get continuing education hours for licensure renewal.

(a) Direct and indirect costs or savings to those affected: This regulation does not set or change fees and therefore has no costs or savings.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: This amendment reduces the reporting requirement for licensees. Formerly, all licensees were required to report all CE hours. Now only a small percentage will be audited.

(2) Effects on the promulgating administrative body: This regulation sets up an audit system for continuing education and allows licensees to carry forward part of their excess hours from one renewal period to the next.

(a) Direct and indirect costs or savings: This regulation does not set or change fees and therefore has no costs or savings.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: This amendment reduces the reporting requirement for the agency. Formerly, all licensees were required to report all CE hours. Now only a small percentage will be audited.

(3) Assessment of anticipated effect on state and local revenues: There will be no effect on state or local revenue.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Under the existing regulation licensees could not carry forward CE credit and they had to report all credit earned. These changes will relieve some of this burden.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There are no regulations in conflict with this regulation.

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

TIERING: Was tiering applied? No. Since speech-language

pathologists and audiologists are separate professions but are treated exactly the same by this regulation, there was no tiering.

GENERAL GOVERNMENT CABINET Board of Speech-Language Pathology and Audiology (Proposed Amendment)

201 KAR 17:091. Continuing education requirements for licensees on inactive status; waiver.

RELATES TO: KRS 334A.030

STATUTORY AUTHORITY: KRS 334A.080

NECESSITY AND FUNCTION: This regulation delineates the continuing education requirements for licensees on inactive status, as well as the circumstances under which waivers or extensions for such requirements may be granted.

Section 1. The board may, in individual cases involving medical disability or illness, grant waivers of the minimum continuing education requirements or extensions of time within which to fulfill the same or make the required reports. A written request for waiver or extension of time shall be submitted by the licensee and shall be accompanied by a verifying document signed by a licensed physician. Waivers of the minimum continuing education requirements or extensions of time within which to fulfill the same may be granted by the board for a period of time not to exceed one (1) calendar year. In the event that the medical disability or illness upon which a waiver or extension has been granted continues beyond the period of the waiver or extension, the licensee must reapply.

Section 2. Continuing educational requirements may be waived for licensees on inactive status during the time period they remain inactive. However if at any time the inactive licensee applies to the board to return to active status, the licensee must submit proof that he or she has completed fifteen (15) hours [one and five tenths (1.5) units] of continuing education within the twelve (12) month period immediately preceding the date on which the application is submitted. The licensee may request that they be allowed to return to active status immediately, with the provision that they shall receive fifteen (15) hours of continuing education with six (6) months of the date on which they return to active status. Licensees proceeding under this provision shall also meet the requirements of 201 KAR 17:090 in order to properly qualify for renewal of their license in the next licensure period.

GEORGE O. PURVIS, Chairman

APPROVED BY AGENCY: July 7, 1992

FILED WITH LRC: July 15, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 25, 1992, at 9:30 a.m. at the offices of the Division of Occupations and Professions, located at the Berry Hill Annex, 700 Louisville Road, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing by August 20, 1992, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: David L. Nicholas, Director, Division of Occupations and Professions, P.O. Box 456, Frankfort, Kentucky 40602.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: David L. Nicholas

(1) Type and number of entities affected: There are 800 speech-

language pathologists and 121 audiologists any of whom could apply for and be granted inactive status.

(a) Direct and indirect costs or savings to those affected: This regulation does not set or change fees and therefore has no costs or savings.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: A licensee returning to active status may now begin work and take up to 6 months to get the required CE hours.

(2) Effects on the promulgating administrative body: A licensee returning to active status may now begin work and take up to 6 months to get the required CE hours.

(a) Direct and indirect costs or savings: This regulation does not set or change fees and therefore has no costs or savings.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: A licensee returning to active status may now begin work and take up to 6 months to get the required CE hours.

(3) Assessment of anticipated effect on state and local revenues: There will be no effect on state or local revenue.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Under the existing regulation a person coming off of inactive status had to have the required CE hours before beginning work. This had a negative impact on these people.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There are no regulations in conflict with this regulation.

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

TIERING: Was tiering applied? No. Since speech-language pathologists and audiologists are separate professions but are treated exactly the same by this regulation, there was no tiering.

GENERAL GOVERNMENT CABINET

Board of Physical Therapy (Proposed Amendment)

201 KAR 22:070. Requirements for foreign-trained physical therapists.

RELATES TO: KRS 327.060

STATUTORY AUTHORITY: KRS 327.040

NECESSITY AND FUNCTION: This regulation establishes the requirements a foreign-trained physical therapist shall satisfy to become licensed in the state of Kentucky. Because of variances in curriculums of foreign countries, specific requirements are needed to insure that the applicant possesses adequate educational and clinical preparation.

Section 1. In order for a foreign-trained physical therapist to become licensed he shall:

(1) Furnish the board an original, favorable educational credentials evaluation report from International Credentialing Associates, Inc., International Consultants of Delaware, Inc., or International Education Research Foundations, Inc.;

(2) Have graduated from a recognized physical therapy program in the country in which he was educated. The applicant shall have earned at least 120 U.S. semester credits in a program equivalent to a U.S. bachelors degree in physical therapy, of which at least sixty (60) semester credits must be in professional physical therapy courses.

(3) For those applicants seeking licensure by examination, speak English as his native language or have submitted the results of [a

Test of English as a Foreign Language (TOEFL) with a score of at least 550 or] the Test of Spoken English (TSE) with a total score of at least 220.

(4) Submit a satisfactorily completed application and appropriate fee.

(5) Have successfully completed [Successful completion of] one (1) year, totaling at least 1000 clock hours, of [supervised] practice under the supervision of a physical therapist licensed under this chapter at a Kentucky facility previously approved by the board, and under a physical therapist licensed under this chapter] which satisfies the following requirements:

(a) The supervised practice shall be in a [an-acute-care] facility which [serves both in-and-out-patients-and-also] is serving as a clinical education site for students enrolled in an APTA accredited program in physical therapist education;

(b) The applicant shall work only with on-site supervision until a minimum score of three and five-tenths (3.5) with no one (1.0) or two (2.0) on a four (4.0) point scale has been achieved utilizing the board provided clinical evaluation form. Evaluations shall be submitted to the board quarterly by the clinical supervisor until the required score denoting clinical competency has been reached;

(c) The supervising physical therapist shall, within the three (3) years prior to serving as a supervisor, have previously acted as clinical supervisor for a physical therapist student as part of an APTA accredited program;

(d) [(e)] The applicant shall work under the supervision required of a U.S. educated physical therapist candidate issued a temporary permit after achieving the required score of three and five-tenths (3.5) [except that when the foreign trained applicant has also passed the physical therapist licensure examination his physical therapy records do not need to be co-signed by the supervising physical therapist]. This requirement may be satisfied by one (1) year of supervised practice in a state with licensure requirements at least comparable to those of Kentucky or by the consent of the board. Evidence of that experience in a comparable facility outside Kentucky must be in writing confirming successful completion and satisfactory performance; and

(6) Successful completion of the examination as specified in KRS 327.050. The examination, when next offered by the board for other candidates, shall be taken after the applicant becomes a candidate for licensure, unless excused by the board. When the foreign trained physical therapist candidate has passed the licensure examination as well as met the clinical competency requirements in subsection (5)(d) of this section, his physical therapy records do not need to be countersigned by the supervising physical therapist.

Section 2. Temporary Permits for Foreign Trained Physical Therapist Applicants. (1) Following completion of the requirements of Section 1(1) to (4) of this regulation and submission of an approved Supervisory Agreement Statement, an applicant for licensure by examination, and an applicant who has not yet satisfactorily completed a year of supervised practice as a physical therapist may be issued a temporary permit to practice under the supervision of a designated Kentucky licensed therapist.

(2) All requirements for licensure shall be completed within one (1) year from the beginning of the supervised practice. If not completed within that time period, the temporary permit shall be revoked and the applicant shall no longer work in Kentucky as a physical therapist.

GEORGIA KING, Chairman

APPROVED BY AGENCY: May 8, 1992

FILED WITH LRC: June 30, 1992 at 1 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 21, 1992, at 10 a.m. at the Board Office, 400 Sherburn Lane, Suite 248, Louisville, Kentucky 40207. Individuals interested in being heard at this hearing shall notify this agency in writing by August 16, 1992, five days prior to the meeting, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Mrs. Nancy Brinly, Executive Secretary, Kentucky State Board of Physical Therapy, 400 Sherburn Lane, Suite 248, Louisville, Kentucky 40207-4215.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Nancy Brinly

(1) Type and number of entities affected: 3-10 foreign educated physical therapists per year.

(a) Direct and indirect costs or savings to those affected: N/A

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A

(b) Reporting and paperwork requirements: No paperwork changes.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: No change.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Same

(3) Assessment of anticipated effect on state and local revenues:

N/A

(4) Assessment of alternative methods; reasons why alternatives were rejected:

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: N/A

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: These amendments broaden the types of facility in which the FTPT may be clinically assessed, but requires a site to actually be involved in clinical education vs. a potential clinical education site which is not used. Persons already involved as a clinical educator (trained to assess entry level clinical competency) should be the person best suited to make judgements concerning the FTPT candidate. A facility which has signed a clinical education agreement with a university but which has/does not participate in clinical education would not meet the board's objective.

TIERING: Was tiering applied? No. All physical therapists and physical therapist's assistants are treated uniformly under the law.

TOURISM CABINET Department of Fish and Wildlife Resources (Proposed Amendment)

301 KAR 1:015. Boats and outboard motors; restrictions.

RELATES TO: KRS 150.010, ~~[450.026,]~~ 150.090, 150.620, 150.625

STATUTORY AUTHORITY: KRS 13A.350, 150.620, 150.625 ~~[450.025]~~

NECESSITY AND FUNCTION: It is necessary to regulate the size of outboard motors and boats on state-owned lakes to minimize the conflict with the primary purposes of the lakes which are the perpetuation of fish or game populations and the associated sports. This amendment is necessary to set the motor limit on Lincoln Homestead Lake ~~[allow idle speed/unlimited motor size on Wilgreen Lake]~~.

Section 1. No boat shall be permitted on any of the herein named lakes with a centerline exceeding eighteen (18) feet six (6) inches in length as measured on deck or from bow to stern, except canoes which have no length limit and float boats which shall have pontoons

and decking no longer than twenty-two (22) feet. On Lake Malone and Lake Beshear only float boats may ~~can~~ have pontoons and decking up to thirty (30) feet in length.

Section 2. No houseboats of any description shall be permitted on any of the herein named lakes.

Section 3. No motor of any type is permitted on the following lakes:

- (1) Lake Chumley, Lincoln County;
- (2) Dennie Gooch Lake, Pulaski County;
- (3) Martin County Lake, Martin County; and
- (4) Kingdom Come Lake, Harlan County.

Section 4. Electric motors only may be used on the following lakes:

- (1) Carter Caves Lake, Carter County;
- (2) Spurlington Lake, Taylor County;
- (3) Marion County Lake, Marion County;
- (4) Lake Washburn, Ohio County;
- (5) Bert Combs Lake, Clay County;
- (6) McNeely Lake, Jefferson County;
- (7) Lake Mauzy, Union County;
- (8) Carpenter Lake and Kingfisher Lakes, Daviess County;
- (9) Metcalfe County Lake, Metcalfe County;
- (10) Briggs Lake, Logan County;
- (11) Big Turner, Ballard County;
- (12) Little Turner, Ballard County;
- (13) Shelby, Ballard County;
- (14) Mitchell, Ballard County;
- (15) Happy Hollow, Ballard County;
- (16) Burnt Slough, Ballard County;
- (17) Butler, Ballard County;
- (18) Sandy Slough, Ballard County;
- (19) Long Pond, Ballard County;
- (20) Cross Slough, Ballard County;
- (21) Little Green Sea, Ballard County;
- (22) Burnt Pond, Ballard County;
- (23) Arrowhead Slough, Ballard County;
- (24) Deep Slough, Ballard County;
- (25) Beaver Dam Slough, Ballard County;
- (26) Cypress Slough, Ballard County;
- (27) Twin Pockets Slough, Ballard County;
- (28) Lake Reba, Madison County;
- (29) Lincoln Homestead Lake, Washington County.

Section 5. No motor larger than ten (10) hp. ~~[(inboard or outboard)]~~ shall be used on the following state-owned lakes, and motors shall only be operated at ~~[-however,]~~ slow speeds which cause no disturbance or interference with fishing ~~[must be exercised]~~ at:

- (1) Shanty Hollow Lake, Warren County;
- (2) Bullock Pen Lake, Grant County;
- (3) Lake Boltz, Grant County;
- (4) Kincaid ~~[Falmouth]~~ Lake, Pendleton County;
- (5) Elmer Davis Lake, Owen County;
- (6) Beaver Creek Lake, Anderson County;
- (7) Herb Smith Lake, Harlan County;
- (8) Corinth Lake, Grant County;
- ~~[(9) Wilgreen Lake, Madison County, through February 29, 1992;]~~
- ~~[(9) [(40)] Greenbo Lake, Greenup County;~~
- ~~[(10) [(44)] Swan Lake, Ballard County.~~

Section 6. No boat motor larger than 150 hp. shall be used, and all boat motors used shall have an underwater exhaust on the following state-owned lakes:

- (1) Guist Creek Lake, Shelby County;
- (2) Lake Malone, Todd, Muhlenberg and Logan Counties; and
- (3) Lake Beshear, Christian and Caldwell Counties.

Section 7. Boat motors of any size may be used on Pan Bowl Lake, Breathitt County and ~~[beginning March 1, 1992 on]~~ Wilgreen

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Lake, Madison County; however, boat speed on the entire lake shall not exceed idle speed [~~is limited to idle speed only for the entire lake~~].

~~[Section 8. Failure to comply with the rules and specifications set forth in this regulation shall constitute grounds for revocation of the rights and privileges of any person to admittance to and to the use of these public waters.]~~

DON R. McCORMICK, Commissioner
DAVID H. GODBY, Chairman
CRIT LUAllen, Secretary

APPROVED BY AGENCY: June 12, 1992

FILED WITH LRC: July 15, 1992 at 9 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Wednesday, August 26, 1992 at 2 p.m. in the meeting room of the Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 21, 1992, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Peter W. Pfeiffer, Director, Division of Fisheries, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Don R. McCormick

(1) Type and number of entities affected: It is estimated that two to three hundred individual anglers will fish Lincoln Homestead Lake (9 acres). Those who fish out of boats and have electric motors will be allowed to use them. Those with gasoline motors will not be able to use them.

(a) Direct and indirect costs or savings to those affected: There are no measurable direct or indirect costs or savings.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: No reporting or paperwork are required.

(2) Effects on the promulgating administrative body: No additional effort will be required. Policing is a part of ongoing routine patrol.

(a) Direct and indirect costs or savings: No significant additional costs or savings will occur.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No additional reporting and paperwork required.

(3) Assessment of anticipated effect on state and local revenues: There is no anticipated effect on funding, budgets, manpower levels or equipment needs.

(4) Assessment of alternative methods; reasons why alternatives were rejected: There were no reasonable alternative approaches that could be used.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There are no statutes, administrative regulations or government policies which are in conflict, overlapping or a duplication.

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Only one entity, the sport fisherman is affected. There is no social or biological justification for the nonuniform application of this regulation.

TOURISM CABINET

Department of Fish and Wildlife Resources
(Proposed Amendment)

301 KAR 1:020. Snagging.

RELATES TO: KRS [~~150.025~~] 150.175, 150.470

STATUTORY AUTHORITY: KRS 13A.350, 150.175 [~~150.025~~]

NECESSITY AND FUNCTION: This regulation permits and controls snagging of fish in the Tennessee River below Kentucky Dam. It is necessary in order to insure that snagging is done in a lawful manner. This amendment is necessary to conform the bass creel limit to the changes in the statewide limit.

Section 1. Snagging of fish shall be permitted in the Tennessee River below Kentucky Dam at any time during the year from the banks only. The daily creel limit shall not exceed fifteen (15) fish in the aggregate, and shall not exceed the daily creel limit for any sport fish [~~game species~~] in which the creel limit is under fifteen (15), nor shall it exceed fifteen (15) for any game species whose creel limit is over fifteen (15).

Section 2. No rod to be used in snagging shall exceed a length of seven and one-half (7 1/2) feet including the handle, and it must be equipped with line, guides and reel. Only one (1) hook may be attached to the line, either a single or treble hook. All fish snagged shall [~~must~~] be kept, except shad or herring, and if the legal creel limit of any sport fish [~~ten (10) black bass or ten (10) sauger~~] is reached before the aggregate limit of fifteen (15), the fisherman shall [~~must~~] immediately stop snagging.

Section 3. Any person in the act of snagging shall not have in his or her possession at any time more fish than the aggregate creel limit, or legal limit on black bass and sauger as set forth in this regulation.

DON R. McCORMICK, Commissioner
DAVID H. GODBY, Chairman
CRIT LUAllen, Acting Secretary

APPROVED BY AGENCY: June 12, 1992

FILED WITH LRC: July 15, 1992 at 9 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Wednesday, August 26, 1992 at 3 p.m. in the meeting room of the Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 21, 1992, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Peter W. Pfeiffer, Director, Division of Fisheries, Department of Fish and Wildlife Resources, #1 Game Farm Road, Frankfort, Kentucky 40601, (502) 546-3596.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Don R. McCormick

(1) Type and number of entities affected: There are approximately 3,000 anglers that snag fish in the Tennessee River below Kentucky Dam.

(a) Direct and indirect costs or savings to those affected: There

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are no measurable direct or indirect costs or savings.

1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: No reporting or paperwork are required.

(2) Effects on the promulgating administrative body: No additional effort will be required. Policing is a part of ongoing routine patrol.

(a) Direct and indirect costs or savings: No significant additional costs or savings will occur.

1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
- (b) Reporting and paperwork requirements: No additional reporting and paperwork required.

(3) Assessment of anticipated effect on state and local revenues: There is no anticipated effect on funding, budgets, manpower levels or equipment needs.

(4) Assessment of alternative methods; reasons why alternatives were rejected: There were no reasonable alternative approaches that could be used.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There are no statutes, administrative regulations, or government policies which are in conflict, overlapping or a duplication.

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. The sport fisherman is the only entity affected. There is no social or biological justification for the nonuniform application of this regulation.

TOURISM CABINET Department of Fish and Wildlife Resources (Proposed Amendment)

301 KAR 1:060. Sport and rough fish.

RELATES TO: KRS 150.010[~~150.025~~]

STATUTORY AUTHORITY: KRS 13A.350, 150.015 [~~150.025~~]

NECESSITY AND FUNCTION: The purpose of this regulation is to limit the taking of certain fishes to angling. It is necessary to protect the fish population. This amendment is necessary to clarify the prohibition against using sport fish as bait.

Section 1. The following fishes are [hereby] designated sport fishes and may be taken only by angling [~~as described in KRS 150.010(4)~~]:

- | | |
|--------------------|---------------------------------|
| 1. Largemouth Bass | 10. Rockfish (Striped Bass) |
| 2. Smallmouth Bass | 11. White Bass |
| 3. Kentucky Bass | 12. Yellow Bass |
| 4. Coosa Bass | 13. Musky |
| 5. Rock Bass | 14. Northern Pike |
| 6. White Crappie | 15. Chain Pickerel |
| 7. Black Crappie | 16. Trout |
| 8. Walleye | 17. Hybrids of any of the above |
| 9. Sauger | |

Section 2. All species of fishes, except those listed in Section 1 of this regulation, are hereby designated as rough fish and may be harvested by the methods prescribed by any section of KRS Chapter 150 or by any regulation adopted by the department, including angling.

Section 3. After January 1, 1993, sport fish, regardless of size or how obtained, shall not be used as bait.

DON R. McCORMICK, Commissioner

DAVID H. GODBY, Chairman

CRIT LUALLEN, Secretary

APPROVED BY AGENCY: June 12, 1992

FILED WITH LRC: July 15, 1992 at 9 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Wednesday, August 26, 1992 at 1 p.m. in the meeting room of the Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 21, 1992, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Peter W. Pfeiffer, Director, Division of Fisheries, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Don R. McCormick

(1) Type and number of entities affected: There are approximately 25 fish propagators and live bait dealers that will no longer be able to sell sport fish for use as live bait and an additional 100 anglers that will not be able to use the sport fish (rainbow trout) as bait.

(a) Direct and indirect costs or savings to those affected: The fish propagators and bait dealers will suffer some loss of income as a result. The amount of the loss is unknown but not great enough to place any businesses in jeopardy.

1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: No reporting or paperwork are required.

(2) Effects on the promulgating administrative body: No additional effort will be required. Policing is a part of ongoing routine patrol.

(a) Direct and indirect costs or savings: No significant additional costs or savings will occur.

1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
- (b) Reporting and paperwork requirements: No additional reporting and paperwork required.

(3) Assessment of anticipated effect on state and local revenues: There is no anticipated effect on funding, budgets, manpower levels or equipment needs.

(4) Assessment of alternative methods; reasons why alternatives were rejected: There were no reasonable alternative approaches that could be used to protect our native fish stocks from genetic dilution and the federal trout hatchery from disease.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There are no statutes, administrative regulations or government policies which are in conflict, overlapping or a duplication.

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Only two groups are affected, the sport fisherman and the fish dealer. There is no social or biological justification for the nonuniform application of this regulation.

TOURISM CABINET
Department of Fish and Wildlife Resources
(Proposed Amendment)

301 KAR 1:075. Giggling, grabbing or snagging, tickling and noodling.

RELATES TO: KRS 150.010, ~~[150.025]~~ 150.170, 150.175, 150.235, 150.360, 150.440, 150.445, 150.470

STATUTORY AUTHORITY: KRS 13A.350, 150.170, 150.175, 150.360, 150.440, 150.445, 150.470 ~~[150.025]~~

NECESSITY AND FUNCTION: This regulation is necessary to permit and govern methods of harvest to the benefit of the fishery resource. This amendment is necessary to reopen sections of Sturgeon, Station Camp and Russell Fork creeks to giggling and snagging. ~~[revise the list of streams where giggling or snagging are prohibited.]~~

Section 1. Fish may be taken by snagging ~~[As used in this regulation, the word "snagging" means an act of taking fish by]~~ using a single hook or one (1) treble hook ~~[except in the Green River and its tributaries and Rolling Fork River and its tributaries where five (5) hooks, either single or treble hooks, may be used.]~~ which is attached by line to a pole and is used in a jerking and pulling manner.

Section 2. A person may gig or snag from the stream or lake banks, but shall not ~~[cannot]~~ use these fishing methods from a boat or platform, except giggling is permitted from a boat in any lake with a surface acreage of 500 acres or larger during the daylight hours.

Section 3. The season during which giggling and snagging is permitted is February 1 through May 10, annually, except persons may gig rough fish through the ice ~~[in these same waters]~~ any time the surface is frozen thick enough to stand on, and gigger must gig while supported by the ice.

Section 4. Giggling or snagging for rough fish is permitted night and day in all lakes and streams, except where specifically prohibited in Sections 2 and 5 of this regulation.

Section 5. Giggling or snagging is specifically prohibited in the following streams and their tributaries. (Exceptions: See subsection (1)(b) and subsection (2)(b) of this section.)

(1)(a) The Cumberland River below Wolf Creek Dam downstream to the Tennessee line, and in the Cumberland River in the area below Barkley Dam downstream to US 62 bridge.

(b) Those tributaries to the Cumberland River below Wolf Creek Dam downstream to the Tennessee line shall be open to giggling and snagging, in season, except that portion of each tributary which is within one-half (1/2) mile of its junction with the Cumberland River.

(2)(a) Within 200 yards of any dam on any stream;

(b) Snagging only is permitted in the Tennessee River below Kentucky Dam subject to restrictions in 301 KAR 1:020.

(3) Stream and counties:

Bark Camp Creek - Whitley;
 Barren River Tailwaters, from the Barren River Lake Dam downstream to the Hwy. 101 bridge - Allen and Barren;
 Beaver Creek - McCreary;
 Beaver Creek - Wayne;
 Beaver Dam Creek - Edmonson;
 Big Double Creek - Clay;
 Buffalo Creek, Right Fork - Owsley,
 Canada Creek - Wayne;
 Cane Creek - Laurel;
 Caney Creek - Elliott;
 Casey Creek - Trigg;
 Clover Bottom Creek - Jackson;
 Dogslaughter Creek - Whitley;
 East Fork Little Sandy River - Boyd;
 Elkhorn Creek - Pike;
 Goose Creek - Casey and Russell;

Hawk Creek - Laurel;
 Hood Creek - Johnson and Lawrence;
 Indian Creek - Jackson;
 Laurel Creek - Elliott;
 Lick Creek - McCreary;
 Lick Creek - Simpson;
 Little Kentucky River, upstream from a point 200 yards below the low water dam at the Sulphur Road Bridge - Trimble;
 Little South Fork - McCreary and Wayne;
 Little Whippoorwill Creek - Logan;
 Lynn Camp Creek - Hart;
 Middle Fork Kentucky River, from Buckhorn Lake Dam downstream to the Breathitt County line - Perry;
 Middle Fork Red River - Powell and Wolfe;
 Peter Creek - Barren and Monroe;
 Raven Creek - Harrison;
 Rock Creek - McCreary;
 Rockcastle Creek, from the junction of Hwy. 3 and Hwy. 40 in Inez north approximately five (5) miles to the Hwy. 3, Johnson Bottom Bridge - Martin;
 Rough Creek - Hardin;
 Rough River, below Rough River Lake Dam downstream to Hwy. 54 bridge - Breckinridge and Grayson;
 Roundstone Creek - Hart;
 Russell Fork, upstream from the junction of U.S. Highway 460 and Ky. Highway 80 - Pike;
 Sinking Creek - Breckinridge;
 Skinframe Creek - Lyon;
 Station Camp Creek, downstream from the confluence of War Fork Creek - Estill;
 Sturgeon Creek, downstream from the confluence of Wild Dog Creek - Lee;
 Sulphur Spring Creek - Simpson;
 Swift Camp Creek - Wolfe;
 Trammel Fork, upstream from the Hwy. 1332 bridge at Butlersville - Allen;
 War Fork - Jackson.

Section 6. All game fish caught by giggling or snagging, except those taken below Kentucky Dam in the Tennessee River, shall be returned to the water immediately, regardless of condition.

Section 7. The tickling and noodling (hand grabbing) season for rough fish ~~[only]~~ shall be June 10 to August 31 (all dates inclusive) during daylight hours only. Tickling and noodling shall be permitted in all waters except the tributaries to the North, Middle and South Forks of the Kentucky River. The daily creel limit for tickling and noodling shall be fifteen (15) rough fish of which not more than five (5) may be catfish.

DON R. McCORMICK, Commissioner

DAVID H. GODBY, Chairman

CRIT LUAllen, Secretary

APPROVED BY AGENCY: June 12, 1992

FILED WITH LRC: July 15, 1992 at 9 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Wednesday, August 26, 1992 at 10 a.m. in the meeting room of the Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 21, 1992, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Peter W. Pfeiffer, Director, Division of Fisheries, Department of Fish and Wildlife Resources,

Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Don R. McCormick

(1) Type and number of entities affected: There are approximately 100 individual giggers that are using the streams affected by this change. Those streams sections deleted from the list will now be opened to giggering.

(a) Direct and indirect costs or savings to those affected: There are no measurable direct or indirect costs or savings.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: No reporting or paperwork are required.

(2) Effects on the promulgating administrative body: No additional effort will be required. Policing is a part of ongoing routine patrol.

(a) Direct and indirect costs or savings: No significant additional costs or savings will occur.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No additional reporting and paperwork required.

(3) Assessment of anticipated effect on state and local revenues: There is no anticipated effect on funding, budgets, manpower levels or equipment needs.

(4) Assessment of alternative methods; reasons why alternatives were rejected: There are no reasonable alternative approaches that could be used to deregulate giggering.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There are no statutes, administrative regulations or government policies which are in conflict, overlapping or a duplication.

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Does not apply.

TOURISM CABINET Department of Fish and Wildlife Resources (Proposed Amendment)

301 KAR 1:085. Mussel shell harvesting.

RELATES TO: KRS 150.025, 150.110, 150.170, 150.175, 150.190, 150.510, 150.520

STATUTORY AUTHORITY: KRS 13A.150, 150.025, 150.170, 150.175, 150.520

NECESSITY AND FUNCTION: It is necessary to regulate the manner of taking mussels because of their value and their susceptibility to overharvest. This amendment is necessary to require that trail boats be marked with license numbers, to make possession of green mussels unlawful without an appropriate license, and to reschedule the musseling hours on Barkley and Kentucky lakes. [contain the growth and proliferation of musseling activity until we learn to deal with the present biological and social impacts and gain a better understanding of the mussel resources in these other waters with harvest potential.]

Section 1. [~~Conforming with KRS 150.170.~~] All persons who actively participate in the harvesting and sale of mussels or mussel shells, whether or not they own or possess the gear being used in the harvest of mussels or mussel shells, shall have an appropriate license. Those persons having a valid mussel buyers license are authorized to sell mussels and mussel shells. No boat shall be used

in musseling operations without a licensed operator in the boat.

Section 2. All musselers shall have their current year musseling license number clearly painted or affixed to their trail boat so as to be clearly visible from the air.

Section 3. No person shall possess green mussels (mussel shells containing mussel meat) without having an appropriate Kentucky musseling license or mussel buyer's license.

Section 4. [2.] Only those individuals who [that] purchased a valid musseling license in either 1990 or prior to December 1 in 1991 shall be allowed to purchase a 1992 license. In 1993 only those individuals who [that] purchased a musseling license in 1991 or 1992 will be eligible with the same two (2) year eligibility criterion being applied in succeeding years.

Section 5. [3.] Except as specified in Section 6 [4] of this regulation, the musseling season is open year around only on the following waters:

(1) Kentucky Lake;

(2) Barkley Lake;

(3) Tennessee River from Kentucky Lake dam to the mouth;

(4) Cumberland River from Barkley Lake dam to the mouth;

(5) Ohio River;

(6) Green River from Green River Lake dam to the mouth;

(7) Barren River from Barren River Lake dam to the mouth;

(8) Kentucky River from Beattyville downstream to the mouth;

(9) Rough River from Rough River Lake dam to the mouth;

(10) Rolling Fork River.

Section 6. [4.] Musseling is prohibited in the following designated areas which are established as mussel sanctuaries:

(1) The Tennessee River from Kentucky Dam downstream to river mile seventeen and eight-tenths (17.8).

(2) The stream segments 200 yards below any dam on any stream.

(3) The Cumberland River from Barkley Dam downstream to U.S. Highway 62 bridge.

(4) All embayments on Barkley and Kentucky Lakes.

(5) The Ohio River between river mile 418 and river mile 419 and between river mile 966.3 and river mile 970.0.

(6) The Green River from lock and dam #5 downstream one and three-tenths (1.3) miles to the state Highway 185 bridge.

(7) The Barren River from lock and dam #1 downstream three and five-tenths (3.5) miles to the confluence with Mortar Branch.

Section 7. [5.] Musseling is permitted during the hours of 6 a.m. and 6 p.m. daily except in Barkley and Kentucky Lakes where the hours shall be as follows: [~~are 8 a.m. to 6 p.m.~~]

(1) West side of the river channel as marked by navigation buoys on both lakes.

(a) December - February - 8:30 a.m. to 3:30 p.m.

(b) March - November - 8 a.m. to 6 p.m.

(2) East side of the river channel as marked by navigation buoys on both lakes.

(a) December - February - 9:30 a.m. to 3 p.m.

(b) March - November - 9:30 a.m. to 5 p.m.

(3) Exception: The trailing hours for the entire canal area connecting Kentucky and Barkley lakes and all of Barkley Lake from Barkley Dam south to Cumberland River mile 36.2 (Big Horse Ford light and day marker) shall be as follows:

(a) December - February - 8:30 a.m. to 3:30 p.m.

(b) March - November - 8 a.m. to 6 p.m.

Section 8. [6.] The statewide size limits for taking of mussels shall be as follows. All mussels smaller than these minimum sizes shall immediately be returned to the water from which taken.

(1) Washboard mussels, *Megalonia gigantea*, shall be large enough so as not to be able to pass through a circular ring or opening having a diameter of three and three-fourths (3 3/4) inches.

(2) Three (3) ridge mussels, *Amblema plicata*, shall be large enough so as not to be able to pass through a circular ring or opening having a diameter of two and three-fourths (2 3/4) inches.

(3) All other mussels, except the Asiatic clam, *Corbicula* sp. shall be large enough so as not to be able to pass through a circular ring or opening having a diameter of two and one-half (2 1/2) inches.

(4) The Asiatic clam, *Corbicula* sp., may be taken at any size.

Section 9. [7.] Method of Harvest. (1) Mussel harvesting, except as provided in Section 10 [8] of this regulation, shall be by bail only.

(2) No more than two (2) bails each sixteen (16) feet or less in length shall be simultaneously operated from any boat.

(3) More than two (2) bails may be carried aboard the boat.

(4) Mussel bail hooks shall be constructed of wire of at least fourteen (14) gauge; smaller wire is prohibited.

(5) Prongs of hooks shall be no longer than one and one-fourth (1 1/4) inch as measured from the tip of point to place on hook where the prongs are joined.

Section 10. [8.] The Commissioner may designate as disaster areas waters in which all live mussels have been killed, and may issue a special permit allowing the use of various harvest methods.

Section 11. [9.] No mussels designated as endangered shall be taken.

[Section 10, Section 4(6) and (7) of this regulation shall not be enforced until January 1, 1992.]

DON R. McCORMICK, Commissioner

DAVID H. GODBY, Chairman

CRIT LUALLAN, Secretary

APPROVED BY AGENCY: June 12, 1992

FILED WITH LRC: July 15, 1992 at 9 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Wednesday, August 26, 1992 at 4 p.m. in the meeting room of the Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 21, 1992, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Peter W. Pfeiffer, Director, Division of Fisheries, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Don R. McCormick

(1) Type and number of entities affected: There are approximately 350 licensed musselers, commercial fishermen and sport fishermen fishing Barkley and Kentucky lakes.

(a) Direct and indirect costs or savings to those affected: There are no measurable direct or indirect costs or savings.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: No reporting or paperwork are required.

(2) Effects on the promulgating administrative body: No additional effort will be required. Policing is a part of ongoing routine patrol. Requiring bail boat identification and making possession of green shell illegal with a license, should increase law enforcement efficien-

cy.

(a) Direct and indirect costs or savings: No significant additional costs or savings will occur.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No additional reporting and paperwork required.

(3) Assessment of anticipated effect on state and local revenues: There is no anticipated effect on funding, budgets, manpower levels or equipment needs.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Many alternative approaches that could be used were explored but rejected by the Mussel Advisory Group as unacceptable.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There are no statutes, administrative regulations or government policies which are in conflict, overlapping or a duplication.

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: These regulation changes were developed by the Kentucky and Barkley Lakes Mussel Advisory Group. The group was comprised of 30 individuals representing the various interests affected by the harvest of mussels by bail. Group consensus was achieved on all regulatory changes.

TIERING: Was tiering applied? No. Only one entity, the mussel harvester, is affected by this regulation. There is no social or biological justification for the nonuniform application of this regulation.

TOURISM CABINET

Department of Fish and Wildlife Resources (Proposed Amendment)

301 KAR 1:160. Stocking procedures ~~[and fees]~~ for private waters.

RELATES TO: KRS 150.010, ~~[450-025,]~~ 150.150

STATUTORY AUTHORITY: KRS 13A.350, 150.150 ~~[450-025]~~

NECESSITY AND FUNCTION: The commissioner, with the concurrence of the Fish and Wildlife Commission, finds it necessary to formalize stocking procedures ~~[and fees]~~ necessary to fund and justify the stocking of fish in private waters. This amendment is necessary to delete the amount of the stocking fee which is listed in a separate regulation.

Section 1. Upon application and receipt of a nonrefundable stocking fee, any owner of a pond or lake may receive fish stocks for private waters, provided one (1) of the following conditions is met: [Any owner of a pond or lake, upon submission of an application and a nonrefundable ten (10) dollars stocking fee, may receive fish stocks for private waters provided one (1) of the following conditions is met:]

(1) The pond or lake is newly impounded and contains no fish.

(2) The pond or lake has been drained and refilled or chemically renovated and contains no fish.

(3) The pond or lake has been checked by a ~~[district]~~ fishery biologist who has [and] recommended it for remedial stocking.

Section 2. Species available for private waters include largemouth bass, bluegill, and channel catfish. The pond or lake ~~[owner]~~ must be stocked with ~~[stock]~~ largemouth bass and bluegill; the channel catfish are optional. Combinations of the above species are available at the discretion of the department.

Section 3. Stocking applications ~~shall [may be obtained from any conservation officer and must]~~ be received by the department no later than October 1 of each year. The stocking cycle begins in late October with the delivery of bluegill and channel catfish. The cycle is then completed during May of the following year with the delivery of largemouth bass. Fish stocks are delivered to each county, with

advance notice of time and place provided to each pond or lake owner. It is the responsibility of each pond or lake owner to pick up the boxed fish and place them in the designated waters following the stocking instructions which are printed on the outside of each box.

DON R. McCORMICK, Commissioner

DAVID H. GODBY, Chairman

CRIT LUALLEN, Secretary

APPROVED BY AGENCY: June 12, 1992

FILED WITH LRC: July 15, 1992 at 9 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Wednesday, August 26, 1992 at 9 a.m. in the meeting room of the Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 21, 1992, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Peter W. Pfeiffer, Director, Division of Fisheries, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Don R. McCormick

(1) Type and number of entities affected: On an annual basis, there are approximately 500 pond and lake owners who apply for fish through our farm pond stocking program.

(a) Direct and indirect costs or savings to those affected: Costs will increase from \$10 to \$25 for 98% of the pond owners. Two percent of the pond owners will incur costs of up to \$100.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: No additional reporting or paperwork are required.

(2) Effects on the promulgating administrative body: No additional effort will be required.

(a) Direct and indirect costs or savings: No significant additional costs or savings will occur.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No additional reporting and paperwork required.

(3) Assessment of anticipated effect on state and local revenues: There is no anticipated effect on funding, budgets, manpower levels or equipment needs.

(4) Assessment of alternative methods; reasons why alternatives were rejected: There were no available alternative approaches that could be used to generate the additional funds needed to pay for the continuance of the stocking program.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There are no statutes, administrative regulations or government policies which are in conflict, overlapping or a duplication.

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

TIERING: Was tiering applied? Yes. Only one entity, the pond owner, is affected. There is no biological or social justification for the nonuniform application of this regulation.

TOURISM CABINET

Department of Fish and Wildlife Resources (Proposed Amendment)

301 KAR 1:200. Seasons and limits for angling.

RELATES TO: KRS 150.010, [450.025-] 150.470, 150.990

STATUTORY AUTHORITY: KRS 13A.350, 150.170, 150.470 [450.025]

NECESSITY AND FUNCTION: In order to insure the continuance of viable and desirable populations of fish, it is necessary to govern the size and numbers anglers can harvest. This amendment is necessary to establish angling regulations for Lincoln Homestead Lake; to set an aggregate creel limit on white bass, hybrid striped bass and yellow bass at Guist Creek, Taylorsville and Fishtrap lakes; to reduce the daily creel limit on striped bass in the lower Cumberland and Tennessee Rivers from five (5) to three (3); to reduce the statewide creel limit on black bass from ten (10) to six (6); to reduce the statewide creel limit on brown trout from eight (8) to three (3); to establish a ten (10) inch size limit on crappie in Cumberland Lake; to set an experimental slot limit on smallmouth and largemouth bass in Elkhorn Creek, and to set a fifteen (15) inch size limit on bass in Barren Lake. [reduce the statewide daily creel limits on crappie and white bass and yellow bass to thirty (30) and set a nine (9) inch minimum size limit on crappie in Nolin and Green River lakes.]

Section 1. The statewide creel limits, size limits and possession limits for taking fish by angling shall be as follows, except as specified in Section 3 of this regulation and as provided in 301 KAR 1:180:

Species	Size Limit Inches	Daily Creel Limit	Possession Limit
Black bass:*			
Largemouth	12	6 [40]	12 [20]
Smallmouth	12	Singly	Singly
Kentucky (spotted)	None	or in	or in
Coosa	12	Aggregate	Aggregate
Rock bass (goggle eye or redeye)	None	15	30
Walleye and their hybrids	15	10	20
Sauger	None	10	20
Muskellunge and their hybrids	30	2	2
[Northern pike]	None	5	10]
Chain pickerel	None	5	10
White bass and yellow bass	None	[60] [30 [after 2/29/92]]	60
Striped bass (rock-fish) and their hybrids	15	5	5
Crappie	None	[60] [30 [after 2/29/92]]	60
Rainbow trout & brown trout	None	8 No more than 3 may be brown trout	8
Brook trout	10	2	2

*For size limit purposes, any black bass, with the exception of the smallmouth, with a patch of teeth on its tongue is considered to be a Kentucky bass.

Section 2. Seasons for all species is year around.

Section 3. The following special limits apply. All other angling

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limits and seasons apply as set forth in Sections 1 and 2 of this regulation.

(1) The impounded waters of Grayson Lake. The size limit on largemouth bass and smallmouth bass is fifteen (15) inches. There are no daily creel or possession limits on crappie.

(2) The impounded and flowing waters of Dix River and its tributaries upstream from Herrington Lake Dam:

	Size Limit Inches	Daily Creel Limit	Possession Limit
White bass, striped bass (rockfish) and their hybrids	*	20	40

*No more than five (5) fish of a daily limit or ten (10) fish of a possession limit may be fifteen (15) inches or longer.

(3) Dix River from Herrington Lake Dam downstream a distance of two (2) miles. The size limit for brown trout is fifteen (15) inches. ~~The daily creel and possession limits for brown trout is three (3) fish. The daily creel and possession limits for brown trout and rainbow trout combined is eight (8) fish of which no more than three (3) fish can be brown trout.~~ Fishing is permitted only with artificial lures or flies. ~~[Possession of fish eggs, small bait fish, insects or worms or other similar organic bait or parts thereof while in the possession of fishing tackle in the above described two (2) mile section of Dix River is prohibited.]~~

(4) The impounded waters of Taylorsville Lake. The size limit for largemouth bass and smallmouth bass is fifteen (15) inches. The daily creel and possession limits for crappie are fifteen (15) and thirty (30) respectively. The size limit and daily creel/possession limit for hybrid striped bass, white bass and yellow bass are fifteen (15) inches and five (5) singly or in aggregate, respectively.

(5) The impounded waters of Kentucky and Barkley Lakes, including the connecting canal. The size limit for largemouth bass and smallmouth bass is fourteen (14) inches, except that the daily limit may include no more than one (1) and the possession limit no more than two (2) less than fourteen (14) inches in length. The size ~~creel and possession~~ limit[s] for crappie is ~~are~~ ten (10) inches ~~thirty (30) and sixty (60) respectively~~.

(6) The impounded waters of Cave Run, Yatesville, Paintsville, ~~[Fishtrap,] Carr Fork, Buckhorn and Dewey Lakes.~~ The size limit for largemouth bass and smallmouth bass is fifteen (15) inches.

(7) The impounded and flowing waters of Barren River and its tributaries upstream from Barren River Lake Dam.

	Size Limit Inches	Daily Creel Limit	Possession Limit
[Crappie	10	30	60]
White bass, striped bass (rockfish) and their hybrids	*	20	40

*No more than five (5) fish of a daily limit or ten (10) fish of a possession limit may be fifteen (15) inches or longer.

The size limit for crappie is ten (10) inches. The size limit for largemouth and smallmouth bass is fifteen (15) inches except that the daily creel limit may include no more than one (1) and the possession limit no more than two (2) less than fifteen (15) inches.

(8) The impounded waters of Cumberland Lake. The size limit for largemouth and smallmouth bass is fifteen (15) inches. The creel and possession limits for striped bass (rockfish) are three (3) and three (3) respectively. The size limit for crappie is ten (10) inches.

(9) In the following brook trout streams fishing is permitted only with artificial flies or lures with a single hook. ~~[Possession of fish eggs, small fish, insects, worms, or other similar organic bait or parts thereof while in the possession of fishing tackle is prohibited.]~~

(a) Shillalah Creek, Bell County (outside boundary of Cumberland

Gap National Park);

(b) Martins Fork and tributaries in Harlan County from Left Fork upstream 2.3 miles to the Cumberland Gap National Historical Park boundary;

(c) Bad Branch, Letcher County;

(d) Poor Fork and tributaries in Letcher County from the headwaters downstream to the first crossing of Highway 392;

(e) Parched Corn Creek, Wolfe County.

(10) The impounded waters of Carter Caves Lake. The size limit for largemouth bass is twenty (20) inches. The daily creel and possession limits for largemouth bass are one (1) and one (1) respectively. Fishing is permitted only during daylight hours.

(11) The impounded waters of Lake Reba. The size limit ~~creel limit and possession limit~~ for largemouth and smallmouth bass is ~~collectively are~~ fifteen (15) inches ~~five (5) and ten (10), respectively~~.

(12) The impounded waters of Lincoln Homestead State Park Lake: closed to fishing until January 1, 1993.

Species	Size Limit Inches	Daily/Possession Limit
Largemouth bass	15	3
Bluegill and redear sunfish (singly or in aggregate)	over 7 under 7	10 No Limit
Channel catfish	None	3
Fishing is permitted during daylight hours only.		

(13) Ohio River. The daily creel limit for crappie is sixty (60), the daily creel limit for white bass and yellow bass is sixty (60), (singly or in aggregate).

(14) The impounded waters of Nolin and Green River Lakes. ~~[After February 29, 1992,] The size limit for crappie is nine (9) inches.~~

(15) The impounded waters of Shanty Hollow and Marion County lakes. There is no size limit on black bass.

(16) The impounded waters of Leary Lake:

Species	Size Limit Inches	Daily Creel Limit
Largemouth bass	15	1
Bluegill	None	12
Channel catfish	None	2
Fishing is permitted during daylight hours only.		

(17) The impounded waters of Lake Malone. The size limit on black bass is twelve (12) inches except that the daily creel limit may include no more than two (2) and the possession limit no more than four (4) black bass less than twelve (12) inches in length.

(18) The impounded waters of Elmer Davis Lake. Slot limit -black bass less than twelve (12) inches or more than sixteen (16) inches in length may be kept. Black bass between twelve (12) and sixteen (16) inches in length shall be released.

(19) Upper and lower Game Farm Lakes.

Species	Size Limit Inches	Daily Creel Limit
Black bass	15	2
Channel catfish	None	3

(20) The removal of grass carp from lakes owned and managed by the Kentucky Department of Fish and Wildlife Resources is prohibited.

(21) The impounded waters of Guist Creek Lake. The size limit and daily creel/possession limit for hybrid striped bass, white bass and yellow bass are fifteen (15) inches and five (5) singly or in aggregate, respectively.

(22) The impounded waters of Fishtrap Lake. The size limit for largemouth bass and smallmouth bass is fifteen (15) inches. The size

limit and daily creel/possession limit for hybrid striped bass, white bass and yellow bass are fifteen (15) inches and five (5) singly or in aggregate, respectively.

(23) The Tennessee River from Kentucky Lake Dam downstream to the confluence with the Ohio River and the Cumberland River from Barkley Lake Dam downstream to the confluence with the Ohio River. The daily creel/possession limit for striped bass is three (3).

(24) Elkhorn Creek (Franklin County) from the confluence of the North and South Forks downstream to the Kentucky River. Slot limit - smallmouth bass and largemouth bass less than twelve (12) inches or more than sixteen (16) inches in length may be kept. Smallmouth bass and largemouth bass between twelve (12) and sixteen (16) inches in length shall be released. The daily creel limit of six (6) may include no more than two (2) bass greater than sixteen (16) inches in length.

Section 4. Measure all fish from the end of the lower jaw to the tip of the tail with fish laid flat on rule, mouth closed and tail lobes squeezed together. All fish caught that are smaller than those prescribed minimum lengths shall be returned immediately to the waters from which they were taken in the best physical condition possible. Under no circumstances may a fisherman remove the head or the tail or part thereof of any of the above- named fish while in the field and before he has completed fishing for the day.

Section 5. Amended changes in Section 1 and Section 3(3), (4), (6), (7), (8), (9), (21), (22), (23), and (24) will be enforced beginning March 1, 1993.

DON R. McCORMICK, Commissioner
DAVID H. GODBY, Chairman
CRIT LUALLAN, Secretary

APPROVED BY AGENCY: June 12, 1992

FILED WITH LRC: July 15, 1992 at 9 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Wednesday, August 26, 1992 at 11 a.m. in the meeting room of the Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 21, 1992, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Peter W. Pfeiffer, Director, Division of Fisheries, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Don R. McCormick

(1) Type and number of entities affected: There are approximately one million anglers that fish Kentucky waters annually.

(a) Direct and indirect costs or savings to those affected: There are no measurable direct or indirect costs or savings.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: No reporting or paperwork are required.

(2) Effects on the promulgating administrative body: No additional effort will be required. Policing is a part of ongoing routine patrol.

(a) Direct and indirect costs or savings: No significant additional costs or savings will occur.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No additional reporting and paperwork required.

(3) Assessment of anticipated effect on state and local revenues: There is no anticipated effect on funding, budgets, manpower levels or equipment needs.

(4) Assessment of alternative methods; reasons why alternatives were rejected: There were no reasonable alternative approaches that could be used to effectively manage Kentucky's fishery resources.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There are no statutes, administrative regulations or government policies which are in conflict, overlapping or a duplication.

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. The sport fisherman is the only entity affected. There is no social or biological justification for the nonuniform application of this regulation.

DEPARTMENT OF AGRICULTURE (Proposed Amendment)

302 KAR 20:058. Brucellosis eradication.

RELATES TO: KRS Chapter 257

STATUTORY AUTHORITY: KRS 257.110, 257.120, 257.480, 257.030

NECESSITY AND FUNCTION: To provide the procedure for enabling the Board of Agriculture to eliminate brucellosis by ordering the slaughtering or destruction of a bovine herd upon a determination of infection of or exposure to brucellosis within the herd. Such methods are necessary in order to achieve status of brucellosis free state.

Section 1. Definitions. As used in this regulation unless the context clearly requires: "Bovine herd" shall mean all cattle (genus Bos), bison, including calves maintained on common ground for any purpose of two (2) or more groups of cattle (genus Bos), bison under common ownership or supervision, geographically separated but which have an interchange or movement of animals without regard to health status.

Section 2. Procedures. (1) Whenever the State Board of Agriculture or its authorized agents determine that any bovine animal or herd is found to be infected with brucellosis, on the farm of origin, the board or its authorized agents shall order that the bovine animals or herd be slaughtered or destroyed within thirty (30) days of notification of the order to the owner. There are two (2) exceptions to this procedure as follows:

(a) The first occurs when an infected herd which has had 100 percent of the eligible bovine animals vaccinated as provided in 302 KAR 20:055 has an infection rate of less than twenty (20) percent. In this event a quarantine as set forth in 302 KAR 20:057 shall be placed upon the herd. If an infected herd, which has been 100 percent calfhood vaccinated, has a twenty (20) percent or greater rate of infection the entire herd shall be slaughtered or destroyed.

(b) The second exception occurs when only one (1) reactor is identified on the farm of origin. In this event, the herd shall be quarantined for 300 days pursuant to 302 KAR 20:057. During this period of quarantine milk and/or tissue samples for culture and isolation of Brucella organism shall be collected. In the event that the culture and isolation is of field strain Brucella, the herd shall be depopulated. In the alternative, if the culture and isolation reveals Brucella strain 19 vaccine the herd shall be released from quarantine. When culture isolation fails to isolate Brucella, the herd shall remain under quarantine and complete herd test shall be conducted as determined by the state veterinarian or as determined by the Uniform

Methods and Rules for Brucellosis Eradication. [with the exception of an infected herd which has had 100 percent of eligible bovine animals vaccinated as provided in 302 KAR 20:055, and has an infection rate of less than twenty (20) percent. In such event, a quarantine as set forth in 302 KAR 20:057 shall be placed upon the entire herd. If the infected herd has been 100% calfhood vaccinated and has a twenty (20) percent or greater rate of infection, the entire herd shall be slaughtered or destroyed.]

(2) The board or its authorized agents shall order destruction of the animals described in Section 1 of this regulation as provided in KRS 257.110. This shall be done by notification to the owner of the order of destruction delivered to the owner or mailed to the owner's business address by certified mail.

(3) Indemnity for destroyed animals shall be paid per KRS 257.120(2) as availability of funds permits. Determination of payment shall be made by the state veterinarian in accordance with 302 KAR 20:056.

(4) In the event, an owner of an infected herd designated for slaughter feels the brucellosis testing is inaccurate, a request for retesting of the animals may be submitted. Said request must be made to the state veterinarian within ten (10) days of the date notification of the first test results were received by the owner as provided in KRS 257.115. Original notice to owners of cattle shall be sent by certified mail.

Section 3. Extension of Time. An additional thirty (30) days may be requested before destruction of the animals is completed upon written request and for good cause shown. The granting of the extension shall be done by the state veterinarian and under no circumstances shall more than one (1) extension be granted.

ED LOGSDON, Commissioner

APPROVED BY AGENCY: July 10, 1992

FILED WITH LRC: July 10, 1992 at 10 a.m.

PUBLIC HEARING: A public hearing on this regulation will be held on August 21, 1992 in the 7th Floor Conference Room, Capital Plaza Tower, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Lee Sisney, General Counsel, Department of Agriculture, Capital Plaza Tower, 7th Floor, 500 Mero Street, Frankfort, Kentucky 40601. Unless written notification of intent to attend a public hearing is received by the promulgating agency at least 5 days before the hearing date, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: D. L. Notter

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected: In calendar year 1991 the Kentucky Department of Agriculture identified 18 bovine herds with one identified classified brucellosis reactor. Those herds contained 637 head of cattle with the expenditure of \$44,640 for indemnity payments.

1. First year: There will be a minimal increase in the cost of obtaining three or more complete herd tests during a 300 day quarantine. There will be a substantial increase in savings to the producer by not depopulating herds at breeding price. By maintaining an established herd and testing through a 300 day quarantine period, the producer should net an approximate 50% savings.

2. Continuing costs or savings: There will be a continued cost associated with presenting herds for testing during the quarantine period. There will be a savings by not ordering the herd depopulated.

3. Additional factors increasing or decreasing costs (note any effects upon competition): Fewer herds will receive depopulation orders. Herds with classified one reactor, and when culture and isolation of brucella abortus field strain cannot be collected, will remain under quarantine until enough herd history shall be obtained to warrant a quarantine release.

(b) Reporting and paperwork requirements: There will be an increase in the number of required reported herd tests and the accompanying required paperwork.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: There will be a sufficient savings by amending 302 KAR 20:058. A direct savings via indemnity payments will be obtained by the promulgating body by maintaining herds with one reactor when brucella abortus field strain cannot be obtained. There will be a minimal cost associated with obtaining herd tests during the quarantine period.

1. First year: Calendar year 1992 savings will be substantial based on the 1991 calendar year for number of herds classified affected with brucellosis. In 1991, 18 herds were classified as affected with brucellosis as a result of one classified reactor.

2. Continuing costs or savings: Savings will continue as outlined in the first year decrease in cost.

3. Additional factors increasing or decreasing costs: All costs will increase and/or decrease directly proportional to the number of herds classified affected with brucellosis as a result of one brucellosis classified reactor.

(b) Reporting and paperwork requirements: Reporting and paperwork requirements will have a minimal increase, because herds classified affected with brucellosis via one classified brucellosis reactor, due to required herd test and accompanying paperwork during the quarantine period.

(3) Assessment of anticipated effect on state and local revenues: N/A

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternative methods are available that guarantee a herd shall not be depopulated when the herd is less than 100% calfhood vaccinated, when one animal is classified with a brucella titer in the reactor range, and when culture fails to isolate field strain brucella abortus or strain 19 vaccine brucella.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: None

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: None

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Tiering does not apply for the amendment to 302 KAR 20:058. The amendment allows a herd to remain intact with one classified reactor that is less than 100% calfhood vaccinated and when culture and isolation of field strain abortus cannot be obtained. The amendment eliminates the initiation of a herd depopulation order.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET Department for Surface Mining Reclamation and Enforcement (Proposed Amendment)

405 KAR 7:001. Definitions for 405 KAR Chapter 7.

RELATES TO: KRS Chapter 350, 7 CFR Part 657, 30 CFR Parts 700.5, 701.5, 707.5, 730-733, 735, 761.5, 762.5, 773.5, 800.5, 843.5, 917, 30 USC 1253, 1255, 1291

STATUTORY AUTHORITY: KRS Chapter 13A, 350.028, 350.465, 7 CFR Part 657, 30 CFR Parts 700.5, 701.5, 707.5, 730-733, 735, 761.5, 762.5, 773.5, 800.5, 843.5, 917, 30 USC 1253, 1255, 1291

NECESSITY AND FUNCTION: KRS Chapter 350 in pertinent part requires the cabinet to promulgate rules and regulations pertaining to surface coal mining and reclamation operations under the permanent regulatory program. This regulation provides for the defining of certain essential terms used in 405 KAR Chapter 7.

Section 1. Definitions. (1) "Adjacent area" means land located outside the affected area or permit area, depending on the context in which "adjacent area" is used, where air, surface or groundwater, fish, wildlife, vegetation or other resources protected by KRS Chapter 350 may be adversely impacted by surface coal mining and reclamation operations.

(2) "Administrative hearing" means a formal adjudicatory hearing conducted pursuant to 405 KAR 7:091 and 405 KAR 7:092 before the

cabinet.

(3) [(2)] "Administratively complete application" means an application for permit approval, or approval for coal exploration if required, which the cabinet determines to contain information addressing each application requirement of the regulatory program and to contain all information necessary to initiate technical processing and public review.

(4) [(3)] "Affected area" means any land or water area which is used to facilitate, or is physically altered by, surface coal mining and reclamation operations. The affected area includes the disturbed area; any area upon which surface coal mining and reclamation operations are conducted; any adjacent lands the use of which is incidental to surface coal mining and reclamation operations; all areas covered by new or existing roads used to gain access to, or for hauling coal to or from, surface coal mining and reclamation operations, except as provided in this definition; any area covered by surface excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, shipping areas; any areas upon which are sited structures, facilities, or other property or material on the surface resulting from, or incident to, surface coal mining and reclamation operations; and the area located above underground workings associated with underground mining activities, auger mining, or in situ mining. The affected area shall include every road used for the purposes of access to, or for hauling coal to or from, surface coal mining and reclamation operations, unless the road:

(a) Was designated as a public road pursuant to the laws of the jurisdiction in which it is located;

(b) Is maintained with public funds, and constructed in a manner similar to other public roads of the same classification within the jurisdiction; and

(c) There is substantial (more than incidental) public use.

(5) [(4)] "Applicant" means any person seeking a permit, permit revision, permit amendment, permit renewal, or transfer, assignment, or sale of permit rights from the cabinet to conduct surface coal mining and reclamation operations or approval to conduct coal exploration operations pursuant to KRS Chapter 350 and all applicable regulations.

(6) [(5)] "Application" means the documents and other information filed with the cabinet seeking issuance of permits; revisions; amendments; renewals; and transfer, assignment or sale of permit rights for surface coal mining and reclamation operations or, if required, seeking approval for coal exploration.

(7) [(6)] "Approximate original contour" is defined in KRS 350.010.

(8) [(7)] "Aquifer" means a zone, stratum, or group of strata that can store and transmit water in sufficient quantities for domestic, agricultural, industrial, or other beneficial use.

(9) [(8)] "Auger mining" means a method of mining coal at a cliff or highwall by drilling holes into an exposed coal seam from the highwall and transporting the coal along an auger bit to the surface and shall also include all other methods of mining in which coal is extracted from beneath the overburden by mechanical devices located at the face of the cliff or highwall and extending laterally into the coal seam, such as extended depth, secondary recovery systems.

(10) [(9)] "Blaster" means a person who is directly responsible for surface blasting operations in surface coal mining and reclamation operations or coal exploration operations.

(11) [(10)] "Cabinet" is defined in KRS 350.010.

(12) [(11)] "Cessation order" means an order for cessation and immediate compliance and any similar order issued by OSM under SMCRA or issued by any state pursuant to its laws or regulations under SMCRA.

(13) [(12)] "CFR" means Code of Federal Regulations.

(14) [(13)] "Coal" means combustible carbonaceous rock, classified as anthracite, bituminous, subbituminous, or lignite by ASTM Standard D 388-77.

(15) [(14)] "Coal exploration" means the field gathering of:

(a) Surface or subsurface geologic, physical, or chemical data by mapping, trenching, drilling, geophysical, or other techniques necessary to determine the quality and quantity of overburden and

coal of an area; or

(b) Environmental data to establish the conditions of an area before beginning surface coal mining and reclamation operations under the requirements of 405 KAR Chapters 7 through 24 if the activity may cause any disturbance of the land surface or may cause any appreciable effect upon land, air, water, or other environmental resources.

(16) [(15)] "Coal mine waste" means coal processing waste and underground development waste.

(17) [(16)] "Coal processing waste" means materials which are separated from the product coal during the cleaning, concentrating, or other processing or preparation of coal.

(18) [(17)] "Collateral bond" means an indemnity agreement in a sum certain payable to the cabinet executed by the permittee and which is supported by the deposit with the cabinet of cash, negotiable certificates of deposit, or an irrevocable letter of credit of any bank organized and authorized to transact business in the United States.

(19) [(18)] "Cumulative measurement period" means the period of time over which both cumulative production and cumulative revenue are measured.

(20) [(19)] "Cumulative production" means the total tonnage of coal or other minerals extracted from a mining area during the cumulative measurement period. The inclusion of stockpiled coal and other mineral tonnages in this total shall be governed by Section 7 of 405 KAR 7:035.

(21) [(20)] "Cumulative revenue" means the total revenue derived from the sale of coal or other minerals and the fair market value of coal or other minerals transferred or used, but not sold, during the cumulative measurement period.

(22) [(21)] "Day" means calendar day unless otherwise specified to be a working day.

(23) [(22)] "Department" means the Department for Surface Mining Reclamation and Enforcement.

(24) [(23)] "Disturbed area" means an area where vegetation, topsoil, or overburden is removed or upon which topsoil, spoil, coal processing waste, underground development waste, or noncoal waste is placed by surface coal mining operations. Those areas are classified as "disturbed" until reclamation is complete and the performance bond or other assurance of performance required by 405 KAR Chapter 10 is released.

(25) [(24)] "Embankment" means a manmade deposit of material that is raised above the natural surface of the land and used to contain, divert, or store water; to support roads or railways; or for other similar purposes.

(26) [(25)] "Existing structure" means a structure or facility used in connection with or to facilitate surface coal mining and reclamation operations, for which construction began prior to January 18, 1983.

(27) [(26)] "Extraction of coal as an incidental part" means the extraction of coal which is necessary to enable the construction to be accomplished. Only that coal extracted from within the right-of-way, in the case of a road, railroad, utility line, or similar construction, or within the boundaries of the area directly affected by other types of government-financed construction, may be considered incidental to that construction. Extraction of coal outside the right-of-way or boundary of the area directly affected by the construction shall be subject to the requirements of KRS Chapter 350 and 405 KAR Chapters 7 through 24.

(28) "Final order" means final order of the secretary, which includes findings of fact, conclusions of law, and an order.

(29) [(27)] "Government-financed construction" means construction funded fifty (50) percent or more by funds appropriated from a government financing agency's budget or obtained from general revenue bonds, but shall not mean government financing agency guarantees, insurance, loans, funds obtained through industrial revenue bonds or their equivalent, or in-kind payments.

(30) [(28)] "Government financing agency" means a federal, Commonwealth of Kentucky, county, municipal, or local unit of government, or a cabinet, department, agency, or office of the unit which, directly or through another unit of government, finances construction.

(31) [(29)] "Groundwater" means subsurface water that fills

available openings in rock or soil materials to the extent that they are considered water saturated.

(32) "Hearing officer" means the individual duly qualified and assigned as presiding officer to conduct administrative hearings; the term includes the chief hearing officer.

(33) [(30)] "Highwall" means the face of exposed overburden and coal in an open cut of a surface mining activity or for entry to underground mining activities.

(34) [(31)] "Historically used for cropland."

(a) "Historically used for cropland" means that lands have been used for cropland for any five (5) years or more out of the ten (10) years immediately preceding:

1. The application; or
2. The acquisition of the land for the purpose of conducting surface coal mining and reclamation operations.

(b) Lands meeting either paragraph (a)1 or 2 of this subsection shall be considered "historically used for cropland".

(c) In addition to the lands covered by paragraph (a) of this subsection, other lands shall be considered "historically used for cropland" as described below:

1. Lands that would likely have been used as cropland for any five (5) out of the last ten (10) years immediately preceding the acquisition or the application but for some fact of ownership or control of the land unrelated to the productivity of the land; and

2. Lands that the cabinet determines, on the basis of additional cropland history of the surrounding lands and the lands under consideration, are clearly cropland but fall outside the specific five (5) years in ten (10) criterion.

(d) Acquisition includes purchase, lease, or option of the land for the purpose of conducting or allowing through resale, lease or option, the conduct of surface coal mining and reclamation operations.

(35) [(32)] "Hydrologic balance" means the relationship between the quality and quantity of water inflow to, water outflow from, and water storage in a hydrologic unit such as a drainage basin, aquifer, soil zone, lake, or reservoir. It encompasses the dynamic relationship between precipitation, runoff, evaporation, and changes in ground and surface water storage.

(36) [(33)] "Hydrologic regime" means the entire state of water movement in a given area. It is a function of the climate and includes the phenomena by which water first occurs as atmospheric water vapor, passes into a liquid or solid form, falls as precipitation, moves along or into the ground surface, and returns to the atmosphere as vapor by means of evaporation and transpiration.

(37) [(34)] "Imminent danger to the health and safety of the public" means the existence of any condition or practice, or any violation of a permit or other requirements of KRS Chapter 350 in a surface coal mining and reclamation operation, which could reasonably be expected to cause substantial physical harm to persons outside the permit area before the condition, practice, or violation can be abated. A reasonable expectation of death or serious injury before abatement exists if a rational person, subjected to the same condition or practice giving rise to the peril, would avoid exposure to the danger during the time necessary for abatement.

(38) [(35)] "Impoundment" means a closed basin, naturally formed or artificially built, which is dammed or excavated for the retention of water, sediment, or waste.

(39) "Individual", as used in 405 KAR 7:091 and 7:092, means a natural person.

(40) "Industrial/commercial lands" means lands used for:

(a) Extraction or transformation of materials for fabrication of products, wholesaling of products, or long-term storage of products, and heavy and light manufacturing facilities.

(b) Retail or trade of goods or services, including hotels, motels, stores, restaurants, and other commercial establishments.

(41) "Initiating document" means a petition for administrative hearing, an administrative complaint, a show cause order, or any other document which commences an administrative proceeding.

(42) [(36)] "In situ processes" means activities conducted on the surface or underground in connection with in-place distillation, retorting, leaching, or other chemical or physical processing of coal. The term includes, but is not limited to, in situ gasification, in situ

leaching, slurry mining, solution mining, borehole mining, and fluid recovery mining.

(43) "Interim report" means statements made by a hearing officer in written form which are not intended to be considered by the secretary and which are not subject to judicial review.

(44) [(37)] "KAR" means Kentucky administrative regulations.

(45) [(38)] "Knowingly" means that a person knew or had reason to know in authorizing, ordering, or carrying out an act or omission that the act or omission constituted a violation of SMCRA, KRS Chapter 350, 405 KAR Chapters 7 through 24, or a permit condition, or that the act or omission constituted a failure or refusal to comply with an order issued pursuant to SMCRA, KRS Chapter 350, or 405 KAR Chapters 7 through 24.

(46) [(39)] "KRS" means Kentucky Revised Statutes.

(47) [(40)] "Land use" means specific functions, uses, or management-related activities of an area, and may be identified in combination when joint or seasonal uses occur and may include land used for support facilities that are an integral part of the use. In some instances, a specific use can be identified without active management.

(48) [(41)] "Mining area", as used in 405 KAR 7:035, means an individual excavation site or pit from which coal, other minerals, and overburden are removed.

(49) [(42)] "Monitoring" means the collection of environmental data by either continuous or periodic sampling methods.

(50) [(43)] "MSHA" means Mine Safety and Health Administration.

(51) [(44)] "Notice of noncompliance and order for remedial measures" means a written document and order prepared by an authorized representative of the cabinet which sets forth with specificity the violations of KRS Chapter 350, 405 KAR Chapters 7 through 24, or permit conditions which the authorized representative of the cabinet determines to have occurred based upon his inspection, and the necessary remedial actions, if any, and the time schedule for completion thereof, which the authorized representative deems necessary and appropriate to correct the violations.

(52) "Office", as used in 405 KAR 7:091 and 7:092, means the office of administrative hearings.

(53) [(45)] "Operations" is defined in KRS 350.010.

(54) [(46)] "Operator" is defined in KRS 350.010.

(55) [(47)] "Order for cessation and immediate compliance" means a written document and order issued by an authorized representative of the cabinet when:

(a) A person to whom a notice of noncompliance and order for remedial measures was issued has failed, as determined by a cabinet inspection, to comply with the terms of the notice of noncompliance and order for remedial measures within the time limits set therein, or as subsequently extended; or

(b) The authorized representative finds, on the basis of a cabinet inspection, any condition or practice or any violation of KRS Chapter 350, 405 KAR Chapters 7 through 24, or any condition of a permit or exploration approval which:

1. Creates an imminent danger to the health or safety of the public; or

2. Is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air or water resources.

(56) [(48)] "OSM" means Office of Surface Mining Reclamation and Enforcement, United States Department of the Interior.

(57) [(49)] "Other mineral" means any commercially valuable substance mined for its mineral value, excluding coal, topsoil, waste, and fill material.

(58) [(50)] "Overburden" is defined in KRS 350.010.

(59) [(51)] "Performance bond" means a surety bond, a collateral bond, or a combination thereof, or bonds filed pursuant to the provisions of the Kentucky Bond Pool Program (405 KAR 10:200, KRS 350.595, and KRS 350.700 through 350.755), by which a permittee assures faithful performance of all the requirements of KRS Chapter 350, 405 KAR Chapters 7 through 24, and the requirements of the permit and reclamation plan.

(60) [(52)] "Permit" means written approval issued by the cabinet to conduct surface coal mining and reclamation operations.

(61) [(53)] "Permit area" means the area of land and water within

boundaries designated in the approved permit application, which shall include, at a minimum, all areas which are or will be affected by surface coal mining and reclamation operations under that permit.

(62) [(64)] "Permittee" means an operator or a person holding or required by KRS Chapter 350 or 405 KAR Chapters 7 through 24 to hold a permit to conduct surface coal mining and reclamation operations during the permit term and until all reclamation obligations imposed by KRS Chapter 350 and 405 KAR Chapters 7 through 24 are satisfied.

(63) [(65)] "Person" is defined in KRS 350.010 and KRS 446.010(26).

(64) [(66)] "Prime farmland" means those lands which are defined by the Secretary of Agriculture in 7 CFR 657 and which have been "historically used for cropland" as that phrase is defined above.

(65) [(67)] "Probable cumulative impacts" means the expected total qualitative, and quantitative, direct and indirect effects of surface coal mining and reclamation operations on the hydrologic regime.

(66) [(68)] "Probable hydrologic consequences" means the projected results of proposed surface coal mining and reclamation operations which may reasonably be expected to change the quantity or quality of the surface and groundwater; the surface or groundwater flow, timing, and pattern; and the stream channel conditions on the permit area and adjacent areas.

(67) [(69)] "Reclamation" is defined in KRS 350.010.

(68) [(70)] "Record" means the transcript of a proceeding, if any, and rulings; and all pleadings, motions, and rulings; documentary and physical evidence received or considered; a statement of matters officially noticed; questions and offers of proof, objections, and rulings thereon, proposed findings and recommended orders; and legal briefs and orders.

(69) [(71)] "Refuse pile" means a surface deposit of coal mine waste that is not retained by an impounding structure and does not impound water, slurry, or other liquid or semiliquid material.

(70) [(72)] "Road" means a surface right-of-way for purposes of travel by land vehicles used in coal exploration or surface coal mining and reclamation operations. A road consists of the entire area within the right-of-way, including the roadbed, shoulders, parking and side area, approaches, structures, ditches, surface, and contiguous appendages necessary for the total structure. The term includes access and haul roads constructed, used, reconstructed, improved, or maintained for use in coal exploration or surface coal mining and reclamation operations, including use by coal hauling vehicles leading to transfer, processing, or storage areas. The term does not include pioneer or construction roadways used for part of the road construction procedure and promptly replaced by a road pursuant to 405 KAR Chapters 16 and 18 located in the identical right-of-way as the pioneer or construction roadway. The term also excludes any roadway within the immediate mining pit area.

(71) [(73)] "SCS" means Soil Conservation Service.

(72) [(74)] "Secretary" is defined in KRS 350.010.

(73) [(75)] "Sedimentation pond" means a primary sediment control structure designed, constructed, and maintained in accordance with 405 KAR 16:090 or 405 KAR 18:090 and including but not limited to a barrier, dam, or excavated depression which slows down water runoff to allow suspended solids to settle out. A sedimentation pond shall not include secondary sedimentation control structures, such as straw dikes, riprap, check dams, mulches, dugouts, and other measures that reduce overland flow velocity, reduce runoff volume, or trap sediment, to the extent that the secondary sedimentation structures drain to a sedimentation pond.

(74) [(76)] "Significant, imminent environmental harm" means an adverse impact on land, air, or water resources which resources include, but are not limited to, plant and animal life as further defined in this subsection.

(a) An environmental harm is imminent, if a condition, practice, or violation exists which:

1. Is causing environmental harm; or

2. May reasonably be expected to cause environmental harm at any time before the end of the reasonable abatement time that would be set by the cabinet's authorized agents pursuant to the provisions of KRS Chapter 350.

(b) An environmental harm is significant if that harm is appreciable and not immediately reparable.

(75) [(66)] "Small operator", as used in 405 KAR 7:080, means an operator whose combined actual and attributed production of coal does not exceed 300,000 tons during any period of twelve (12) consecutive months.

(76) [(67)] "SMCRA" means Surface Mining Control and Reclamation Act of 1977 (Public Law 95-87), as amended.

(77) [(68)] "Soil horizons" means contrasting layers of soil parallel or nearly parallel to the land surface. Soil horizons are differentiated on the basis of field characteristics and laboratory data. The four (4) master soil horizons are:

(a) "A horizon." The uppermost mineral layer, often called the surface soil. It is the part of the soil in which organic matter is most abundant, and leaching of soluble or suspended particles is typically the greatest.

(b) "E horizon." The layer commonly near the surface below an A horizon and above a B horizon. An E horizon is most commonly differentiated from an overlying A horizon by lighter color and generally has measurably less organic matter than the A horizon. An E horizon is most commonly differentiated from an underlying B horizon in the same sequum by color of higher value or lower chroma, by coarser texture, or by a combination of these properties.

(c) "B horizon." The layer that typically is immediately beneath the E horizon and often called the subsoil. This middle layer commonly contains more clay, iron, or aluminum than the A, E, or C horizons.

(d) "C horizon." The deepest layer of soil profile. It consists of loose material or weathered rock that is relatively unaffected by biologic activity.

(78) [(69)] "Spoil" means overburden and other materials, excluding topsoil, coal mine waste, and mined coal, that are excavated during surface coal mining and reclamation operations.

(79) [(70)] "Surety bond" means an indemnity agreement in a sum certain, payable to the cabinet and executed by the permittee, which is supported by the performance guarantee of a corporation licensed to do business as a surety in the Commonwealth of Kentucky.

(80) [(71)] "Surface blasting operations" means the on-site storage, transportation, and use of explosives in association with coal exploration operations, surface mining activities, and surface disturbances of underground mining activities. The term shall be interpreted broadly and shall encompass activities including, but not limited to, the design of individual blasts, the implementation of blast designs, the initiation of blasts, the monitoring of airblast and ground vibration, and the use of protective measures such as access control and warning and all-clear signals.

(81) [(72)] "Surface coal mining and reclamation operations" is defined in KRS 350.010.

(82) [(73)] "Surface coal mining operations" is defined in KRS 350.010.

(83) [(74)] "Surface mining activities" means those surface coal mining and reclamation operations incident to the extraction of coal from the earth by removing the materials over a coal seam before recovering the coal, by auger coal mining, by extraction of coal from coal refuse piles, or by recovery of coal from slurry ponds.

(84) [(75)] "Ton" means 2000 pounds avoirdupois (.90718 metric ton).

(85) [(76)] "Topsoil" means the A and E soil horizon layers of the four (4) master soil horizons.

(86) [(77)] "Transfer, assignment, or sale of permit rights" means a change in ownership or other effective control over the right to conduct surface coal mining operations under a permit issued by the cabinet.

(87) [(78)] "Underground mining activities" means a combination of:

(a) Surface operations incident to underground extraction of coal or in situ processing, including construction, use, maintenance, and reclamation of roads, above-ground repair areas, storage areas, processing areas, and shipping areas; areas upon which are sited support facilities including hoist and ventilating ducts; areas utilized for the disposal and storage of waste; and areas on which materials incident to underground mining operations are placed; and

(b) Underground operations such as underground construction, operation, and reclamation of shafts, adits, underground support facilities; in situ processing; and underground mining, hauling, storage, and blasting.

(88) [(79)] "Unwarranted failure to comply" means the failure of the permittee due to indifference, lack of diligence, or lack of reasonable care:

(a) To prevent the occurrence of any violation of any applicable requirement of KRS Chapter 350, 405 KAR Chapters 7 through 24, or permit conditions; or

(b) To abate any violation of any applicable requirement of KRS Chapter 350, 405 KAR Chapters 7 through 24, or permit conditions.

(89) [(89)] "Willfully" and "willful violation" mean that a person acted either intentionally, voluntarily, or consciously, and with intentional disregard or plain indifference to legal requirements, in authorizing, ordering, or carrying out an act or omission that constituted a violation of SMCRA, KRS Chapter 350, 405 KAR Chapters 7 through 24, or a permit condition, or that constituted a failure or refusal to comply with an order issued pursuant to SMCRA, KRS Chapter 350, or 405 KAR Chapters 7 through 24.

PHILLIP J. SHEPHERD, Secretary
JUDITH A. VILLINES, Commissioner

APPROVED BY AGENCY: July 14, 1992

FILED WITH LRC: July 15, 1992 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 27, 1992, at 9 a.m. at Hudson Hollow Office Park, #2 Hudson Hollow, Frankfort, Kentucky in Room D-16. Persons interested in being heard at this hearing shall notify this agency in writing by August 22, 1992, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. To assure an accurate record, the cabinet requests that each person testifying at the hearing provide the cabinet with a written copy of his or her testimony. No transcript of recording will automatically be taken of the hearing unless a written request for a transcript of recording is made, in which case the person making the request shall have the responsibility of paying for same. Written comments on the proposed amendment may be submitted at any time before 4:30 p.m. on August 27, 1992. Comments received after that time will not be considered. Written notification of intent to be heard at the public hearing and written comments must be submitted to the following contact person: Judith A. Villines, Department of Law, Fifth Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith A. Villines

(1) Type and number of entities affected: This regulation amends 405 KAR 7:001 by including terms which are used in 405 KAR 7:091 and 7:092. In addition to the amendments pertaining to 405 KAR 7:091 and 7:092, the definition of "person" has been amended to include the definition of person under KRS 446.010 which includes inter alia governmental bodies. The regulation therefore has an indirect effect on state, county and local governments. Finally, this regulation provides a definition for industrial or commercial use and is indirectly applicable to permits issued by the cabinet authorizing surface mining and reclamation operations. As such, the regulation will indirectly pertain to any person interested in or adversely affected by a determination or enforcement action initiated by the cabinet and also has an indirect impact on all active and inactive surface mining permits of which there are approximately 3,800.

(a) Direct and indirect costs or savings to those affected:

1. First year: None. This regulation, which is definitional in nature, should not have any fiscal impact.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None. This regulation, which is definitional in nature, should not have any fiscal impact on the cabinet.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were considered.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Tiering is not applicable to this proposed amendment because, under the federal and Kentucky surface mining laws and regulations, these requirements must apply equally to all entities.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 30 USC 1253, 1255, 1291; 7 CFR Part 657, 30 CFR Parts 700.5, 701.5, 707.5, 730, 731, 732, 733, 735, 761.5, 762.5, 773.5, 800.5, 843.5, 917.

2. State compliance standards. This regulation defines terms used in 405 KAR Chapter 7 and amends 405 KAR 7:001 by including terms which are used in 405 KAR 7:091 and 7:092. In addition to the amendments pertaining to 405 KAR 7:091 and 7:092, the definition of "person" has been amended to include the definition of person under KRS 446.010 which includes inter alia governmental bodies. Finally, this regulation provides a definition for "industrial or commercial use" and is applicable to permits issued by the cabinet authorizing surface mining and reclamation operations.

3. Minimum or uniform standards contained in the federal mandate. The federal regulations provide definitions of "person" and "industrial or commercial use" as set forth in the federal surface mining regulations are substantially the same or similar to those proposed in the state regulation. Other terms, such as administrative hearings, hearing officer and "interim report" are not mandated by federal law or regulation.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Not applicable.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET Department for Surface Mining Reclamation and Enforcement (Proposed Amendment)

405 KAR 7:030. Applicability.

RELATES TO: KRS 350.010, 350.028, 350.057, 350.060, 350.151, 350.465, 30 CFR Parts 700.11, 707.11-12, 730-733, 735, 917, 30 USC 1253, 1255, 1278, 1291

STATUTORY AUTHORITY: KRS Chapter 13A, 350.020, 350.028, 350.465, 30 CFR Parts 700.11, 707.11-12, 730-733, 735, 917, 30 USC 1253, 1255, 1278, 1291

NECESSITY AND FUNCTION: KRS Chapter 350 in pertinent part requires the cabinet to promulgate rules and regulations pertaining to surface coal mining and reclamation operations. This regulation designates 405 KAR Chapters 7 through 24 as applicable to all coal exploration and surface coal mining and reclamation operations, and specifies those activities to which 405 KAR Chapters 7 through 24 do

not apply. This regulation reflects the jurisdiction of the cabinet over coal exploration and surface coal mining and reclamation operations and sets forth certain nonjurisdictional activities.

Section 1. Applicability. 405 KAR Chapters 7 through 24 apply to all coal exploration and surface coal mining and reclamation operations, except any surface coal mining and reclamation operations which, together with any related operation, affected an area of two (2) acres or less, which were conducted pursuant to a two (2) acre or less permit issued by the cabinet, which were commenced on or before June 5, 1987, and on which mining ceased on or before November 7, 1987, in which case the provisions of 405 KAR Chapter 26 and KRS 350.060(13) shall apply.

(1) For purposes of this regulation, if a segment of a road is used for access or coal haulage by more than one (1) surface coal mining operation, the entire segment shall be included in the affected area of each of those operations; except that two (2) or more operations which are deemed related pursuant to subsection (2) of this section shall be considered as one (1) operation for the purposes of this subsection.

(2) Except as provided in subsection (3) of this section, surface coal mining operations shall be deemed related if they occur within twelve (12) months of each other, are physically related, and are under common ownership or control.

(a) Operations shall be deemed physically related if drainage from both operations flows into the same watershed at or before a point within five (5) aerial miles of both operations.

(b) Operations shall be deemed under common ownership or control if they are owned or controlled, directly or indirectly, by or on behalf of:

1. The same person;

2. Two (2) or more persons, one (1) of whom controls, is under common control with, or is controlled by the other; or

3. Members of the same family and their relatives, unless it is established that there is no direct or indirect business relationship between or among them.

(c) For purposes of this subsection, control exists if one has ownership of fifty (50) percent or more of the voting shares of, or general partnership in, an entity; any relationship which gives one (1) person the ability in fact or in law to direct what the other does; or any relationship which gives one (1) person express or implied authority to determine the manner in which coal at different sites will be mined, handled, sold or disposed of.

(3) Notwithstanding the provisions of subsection (2) of this section, the cabinet may determine, in accordance with the procedures applicable to requests for determination of exemption pursuant to Section 3 of this regulation, that two (2) or more surface coal mining operations shall not be deemed related if, considering the history and circumstances relating to the coal, its location, the operations at the sites in question, all related operations and all persons mentioned in subsection (2)(b) of this section, the cabinet concludes in writing that the operations are not of the type which SMCRA was intended to regulate and that there is no intention on the part of the operations or persons to evade the requirements of KRS Chapter 350 or 405 KAR Chapters 7 through 24.

(4) The exemption provided by this section applies only to operations with an affected area of less than two (2) acres where coal is being extracted for commercial purposes and to surface coal mining operations within that affected area incidental to those operations.

Section 2. Coal Extraction Incidental to Government Financed Construction. (1)(a) Coal extraction which is an incidental part of government-financed construction is exempt from KRS Chapter 350 and 405 KAR Chapters 7 through 24, except subsection (2) of this section shall apply.

(b) Any person who conducts or intends to conduct coal extraction which does not satisfy paragraph (a) of this subsection shall not proceed until a permit has been obtained from the cabinet.

(c) Reclamation of abandoned mined lands funded under Title IV of SMCRA shall be deemed government-financed construction.

(2) Information to be maintained on site. Any person extracting coal incident to government-financed highway or other construction who extracts more than 250 tons of coal or affects more than two (2) acres shall maintain, on the site of the extraction operation and available for inspection, documents which show:

(a) A description of the construction project;

(b) The exact location of the construction, right-of-way or the boundaries of the area which will be directly affected by the construction; and

(c) The government agency which is providing the financing and the kind and amount of public financing, including the percentage of the entire construction costs represented by the government financing.

Section 3. Exemptions. (1) Exemptions from 405 KAR Chapters 7 through 24 shall be recognized for the following:

(a) The extraction of coal by a landowner of fifty (50) tons or less within twelve (12) successive calendar months for his or her own noncommercial use from land owned or leased by him or her. Noncommercial use does not include the extraction of coal by one (1) unit of an integrated company or other business or nonprofit entity which uses the coal in its own manufacturing or power plants;

(b) The extraction of or intent to extract twenty-five (25) tons of coal or less by any person by within twelve (12) successive calendar months;

(c) The extraction of coal as an incidental part of federal, state or local government-financed highway or other construction; and

(d) The extraction of coal incidental to the extraction of other minerals if coal does not exceed sixteen and two-thirds (16 2/3) percent of the tonnage of coal and minerals removed for purposes of commercial use or sale in accordance with 405 KAR 7:035.

(2) The cabinet may on its own initiative and shall, within a reasonable time of a request from any person who intends to extract coal pursuant to subsection (1)(a) through (c) of this section, make a written determination whether the operation is exempt from 405 KAR Chapters 7 through 24. The cabinet shall give reasonable notice of the request to interested persons. Prior to the time a determination is made, any person may submit, and the cabinet shall consider, any written information relevant to the determination. A person requesting that an operation be declared exempt shall have the burden of establishing the exemption.

(3) If a written determination of exemption pursuant to subsection (1)(a) through (c) of this section is reversed through subsequent administrative or judicial action, any person who, in good faith, has made a complete and accurate request for an exemption and relied upon the determination shall not be cited for violations which occurred prior to the date of the reversal. This subsection shall not apply to two (2) acre permits.

(4) Exemptions pursuant to subsection (1)(d) of this section shall be subject to 405 KAR 7:035.

Section 4. Termination and Reassertion of Jurisdiction. (1) Beginning November 1, 1992, the jurisdiction of the cabinet under 405 KAR Chapters 7-24 over the reclaimed site of a completed surface coal mining and reclamation operation, or increment thereof, or coal exploration operation, shall terminate when:

(a) The cabinet has determined in writing that all requirements imposed under 405 KAR Chapters 7-24 and KRS Chapter 350 have been successfully completed; or

(b) If a performance bond was required, the cabinet has made final decision in accordance with 405 KAR 10:040 to release the performance bond fully. For the purposes of this section, the cabinet's decision to release the performance bond shall not be final until the time to file administrative and judicial appeals has expired and all appeals have been resolved.

(2) If jurisdiction was terminated under subsection (1) of this section, the cabinet shall reassert jurisdiction under 405 KAR Chapters 7-24 over the site if it is demonstrated that the bond release decision or written determination referred to in subsection (1) of this section was based upon fraud, collusion, or misrepresentation of a material fact.

(3) If the cabinet prior to November 1, 1992, terminated jurisdiction under 405 KAR Chapters 7-24 over the reclaimed site of a completed surface coal mining and reclamation operation, or increment thereof, or coal exploration operation, the cabinet shall reassert jurisdiction over the site if it is demonstrated that the bond release decision or other determination that led to the termination of jurisdiction was based upon fraud, collusion, or misrepresentation of a material fact.

PHILLIP J. SHEPHERD, Secretary
JUDITH A. VILLINES, Commissioner

APPROVED BY AGENCY: July 14, 1992

FILED WITH LRC: July 15, 1992 at 10 a.m.

PUBLIC HEARING: A public hearing on this proposed amendment has been scheduled for 9 a.m. (EDT) Thursday, August 27, 1992 in the Department for Surface Mining Reclamation and Enforcement's Training Room (Room D-16) at the Hudson Hollow Office Park, #2 Hudson Hollow Road, Frankfort, Kentucky. Persons who wish to testify at the hearing shall notify the contact person listed below, in writing, by August 22, 1992, five days before the scheduled hearing date. If the hearing is held, it will be open to the public. Any person in attendance who wishes to testify on the proposed amendment will be given a fair and reasonable opportunity to do so, regardless of whether the person has given the cabinet prior written notice of his intent to testify. To assure an accurate record, the cabinet requests that each person testifying at the hearing provide the cabinet with a written copy of his testimony. The cabinet is not required to make a recording or transcript of the hearing unless someone makes a written request for it, in which case the person requesting the recording or transcript shall pay for it. A person who wishes to comment on this proposed amendment but does not wish to testify at the hearing may submit written comments on the proposed amendment at any time before 4:30 p.m. (EDT) on August 27, 1992. Comments received after that time will not be considered. Written comments and written notices of intent to testify at the hearing shall be submitted to the hearing shall be submitted to: Jim Villines, Kentucky Department for Surface Mining, 2 Hudson Hollow Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact: Jim Villines

(1) Type and number of entities affected: This regulation sets forth the applicability of, and exemptions from the permanent program surface coal mining regulations in 405 KAR Chapters 7-24. This amendment pertains to termination and subsequent reassertion of the cabinet's jurisdiction under 405 KAR Chapters 7-24 over the reclaimed sites of completed surface coal mining and reclamation operations and coal exploration operations, and thus potentially affects all such operations. Over 6,000 sites have been issued permanent program permits for surface coal mining and reclamation operations, and over 6,000 notices of intent to conduct coal exploration operations have been submitted. This amendment indirectly affects the general public in the coal producing regions of Kentucky. Beginning November 1, 1992 the jurisdiction of the cabinet over the reclaimed site of a completed surface coal mining and reclamation operation, or increment thereof, will automatically terminate upon the final decision of the cabinet in accordance with 405 KAR 10:040 to release the performance bond fully. The cabinet's decision to release the bond is not "final" for the purpose of termination of jurisdiction until the time to file administrative and judicial appeals of the bond release has expired and any appeals have been resolved. The cabinet must later reassert its jurisdiction if the decision to release the bond is demonstrated to have been based upon fraud, collusion, or misrepresentation of a material fact. The same criteria apply to termination and reassertion of jurisdiction over the reclaimed site of a completed coal exploration operation, except that the cabinet's written determination that the site meets the requirements of 405 KAR Chapters 7-24 and KRS Chapter 350, rather than a bond release decision (bond is not required for coal exploration operations), is the basis for the termination of jurisdiction. Prior to this amendment there

have been no administrative regulations (or statutes) that expressly set forth criteria or procedures for termination or reassertion of the cabinet's jurisdiction. However, it has been the long standing practice of the cabinet to effectively terminate its jurisdiction by ceasing to inspect and enforce at completed, reclaimed sites where the bond has been fully released or where, if no bond was required, the cabinet has determined that reclamation of the site meets the applicable statutory and regulatory requirements. This amendment does not disturb any actions of the cabinet taken prior to November 1, 1992 under past practices to terminate jurisdiction. However, it requires that the cabinet reassert jurisdiction over such sites under similar criteria as for terminations made automatically under this amendment after November 1, 1992.

(a) Direct and indirect costs or savings to those affected:

1. First year: There will be no direct or indirect costs or savings to operations subject to this amendment, except when the cabinet reasserts jurisdiction over a site because the cabinet's bond release decision or other determination leading to the termination of jurisdiction is demonstrated to have been based upon fraud, collusion, or misrepresentation of a material fact. In such cases the permittee, or the person who conducted coal exploration operations, will be subject to costs necessary to bring the site into compliance with applicable statutory and regulatory requirements.

2. Continuing costs or savings: Same as first year.

3. Additional factors increasing or decreasing costs (note any effects upon competition): None.

(b) Reporting and paperwork requirements: No routine requirements.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Since the amendment is consistent with current cabinet practices regarding termination of jurisdiction, there will be no direct or indirect costs or savings in relation to such terminations. However, if the cabinet is required to reassert jurisdiction at a site the cabinet will be subject to operational costs in requiring the persons responsible for the site to bring the site into compliance with applicable statutory and regulatory requirements.

2. Continuing costs or savings: Same as first year.

3. Additional factors increasing or decreasing costs: None.

(b) Reporting and paperwork requirements: No additional routine reporting and paperwork.

(3) Assessment of anticipated effect on state and local revenues: No effect.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were considered. This amendment is necessary to comply with federal regulations.

(5) Identify any statute, administrative regulation, or governmental policy which may be in conflict, overlapping or duplication: None

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Tiering is not applicable to this proposed amendment because, under the federal and Kentucky surface mining laws and regulations, these requirements must apply equally to all operations subject to 405 KAR Chapters 7-24.

FEDERAL MANDATE ANALYSIS COMPARISON

Agency Contact: Jim Villines

1. Federal statute or regulation constituting the federal mandate. 30 USC 1253, 1255, 1278, 1291, 30 CFR Parts 700.11, 707.11-.12, 730-733, 735, 917.

2. State compliance standards. This amendment pertains to termination and subsequent reassertion of the cabinet's jurisdiction under the permanent program surface coal mining regulations, 405 KAR Chapters 7-24. Beginning November 1, 1992 the jurisdiction of the cabinet over the reclaimed site of a completed surface coal mining and reclamation operation, or increment thereof, will automatically terminate upon the final decision of the cabinet in accordance with 405 KAR 10:040 to release the performance bond fully. The

cabinet's decision to release the bond is not "final" for the purpose of termination of jurisdiction until the time to file administrative and judicial appeals of the bond release has expired and any appeals have been resolved. The cabinet must later reassert its jurisdiction if the decision to release the bond is demonstrated to have been based upon fraud, collusion, or misrepresentation of a material fact. The same criteria apply to termination and reassertion of jurisdiction over the reclaimed site of a completed coal exploration operation, except that the cabinet's written determination that the site meets the requirements of 405 KAR Chapters 7-24 and KRS Chapter 350, rather than a bond release decision (bond is not required for coal exploration operations), is the basis for the termination of jurisdiction. Prior to this amendment there have been no administrative regulations (or statutes) that expressly set forth criteria or procedures for termination or reassertion of the cabinet's jurisdiction. However, it has been the long standing practice of the cabinet to effectively terminate its jurisdiction by ceasing to inspect and enforce at completed, reclaimed sites where the bond has been fully released or where, if no bond was required, the cabinet has determined that reclamation of the site meets the applicable statutory and regulatory requirements. This amendment does not disturb any actions of the cabinet taken prior to November 1, 1992 under past practices to terminate jurisdiction. However, it requires that the cabinet reassert jurisdiction over such sites under similar criteria as for terminations made automatically under this amendment after November 1, 1992.

3. Minimum or uniform standards contained in the federal mandate. The federal regulations at 30 CFR 700.11(d) impose the same standards as the state standards discussed in item 2 above, except as described in item 4 below.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? Yes. Although this amendment does not impose stricter requirements, there are some differences between this amendment and the federal mandate:

(a) The clarification in this amendment, that a bond release decision is not final for purposes of termination of jurisdiction until the time to file appeals has expired and any appeals have been resolved, is not in the text of 30 CFR 700.11(d). However, it is explained in the preamble to the federal rule (53 FR 44356-44363, November 2, 1988) that this is the intent of the rule.

(b) The clarification in this amendment, that it applies not only to surface coal mining and reclamation operations but also to coal exploration operations, is not in the text of 30 CFR 700.11(d). However, it is explained in the preamble to the federal rule (53 FR 44356-44363, November 2, 1988) that this is the intent of the rule.

(c) With regard to termination of jurisdiction where a bond was not required, the federal regulation provides that a regulatory authority may terminate its jurisdiction based on its written determination that applicable requirements have been successfully completed. This amendment has the same requirement (written determination) for non-bonded sites where jurisdiction is terminated after November 1, 1992. However, for sites where a bond was not required and jurisdiction was terminated prior to November 1, 1992, this amendment would not retroactively disturb a prior termination of jurisdiction that was based upon an unwritten determination that applicable requirements were successfully completed. The preamble to the federal rule (53 FR 44362, November 2, 1988) explains the intent of the rule: "Accordingly, this rule is prospective only. It does not invalidate previous actions by State regulatory authorities to terminate their jurisdiction but instead formalizes the standards that must be incorporated into approved programs and applied thereafter."

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The "different" requirements in this amendment as described in item 4 above are consistent with the federal regulations for the reasons given in item 4. The federal regulations have a preamble that can help interpret the intent of the regulations. These interpretations are provided directly in this amendment for consistency with KRS Chapter 13A.

**NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION CABINET
Department for Surface Mining
Reclamation and Enforcement
(Proposed Amendment)**

405 KAR 8:001. Definitions for 405 KAR Chapter 8.

RELATES TO: KRS 146.410, Chapter 350, 7 CFR Part 657, 30 CFR Parts 700.5, 701.5, 707.5, 730-733, 735, 761.5, 762.5, 773.5, 800.5, 843.5, 917, 30 USC 1253, 1255, 1291

STATUTORY AUTHORITY: KRS Chapter 13A, 350.028, 350.465, 7 CFR Part 657, 30 CFR Parts 700.5, 701.5, 707.5, 730-733, 735, 761.5, 762.5, 773.5, 800.5, 843.5, 917, 30 USC 1253, 1255, 1291

NECESSITY AND FUNCTION: KRS Chapter 350 in pertinent part requires the cabinet to promulgate rules and regulations pertaining to surface coal mining and reclamation operations under the permanent regulatory program. This regulation provides for the defining of certain essential terms used in 405 KAR Chapter 8.

Section 1. Definitions. (1) "Acid drainage" means water with a pH of less than six (6.0) and in which total acidity exceeds total alkalinity, discharged from an active, inactive, or abandoned surface coal mine and reclamation operation or from an area affected by surface coal mining and reclamation operations.

(2) "Acid-forming materials" means earth materials that contain sulfide minerals or other materials which, if exposed to air, water, or weathering processes, form acids that may create acid drainage.

(3) "Adjacent area" means land located outside the affected area or permit area, depending on the context in which "adjacent area" is used, where air, surface or groundwater, fish, wildlife, vegetation or other resources protected by KRS Chapter 350 may be adversely impacted by surface coal mining and reclamation operations.

(4) "Administratively complete application" means an application for permit approval, or approval for coal exploration if required, which the cabinet determines to contain information addressing each application requirement of the regulatory program and to contain all information necessary to initiate technical processing and public review.

(5) "Affected area" means any land or water area which is used to facilitate, or is physically altered by, surface coal mining and reclamation operations. The affected area includes the disturbed area; any area upon which surface coal mining and reclamation operations are conducted; any adjacent lands the use of which is incidental to surface coal mining and reclamation operations; all areas covered by new or existing roads used to gain access to, or for hauling coal to or from, surface coal mining and reclamation operations, except as provided in this definition; any area covered by surface excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, shipping areas; any areas upon which are sited structures, facilities, or other property or material on the surface resulting from, or incident to, surface coal mining and reclamation operations; and the area located above underground workings associated with underground mining activities, auger mining, or in situ mining. The affected area shall include every road used for the purposes of access to, or for hauling coal to or from, surface coal mining and reclamation operations, unless the road:

(a) Was designated as a public road pursuant to the laws of the jurisdiction in which it is located;

(b) Is maintained with public funds, and constructed in a manner similar to other public roads of the same classification within the jurisdiction; and

(c) There is substantial (more than incidental) public use.

(6) "Applicant" means any person seeking a permit, permit revision, permit amendment, permit renewal, or transfer, assignment, or sale of permit rights from the cabinet to conduct surface coal mining and reclamation operations or approval to conduct coal exploration operations pursuant to KRS Chapter 350 and all applicable regulations.

(7) "Application" means the documents and other information filed with the cabinet seeking issuance of permits; revisions; amendments; renewals; and transfer, assignment or sale of permit rights for surface coal mining and reclamation operations or, if required, seeking approval for coal exploration.

(8) "Approximate original contour" is defined in KRS 350.010

(9) "Aquifer" means a zone, stratum, or group of strata that can store and transmit water in sufficient quantities for domestic, agricultural, industrial, or other beneficial use.

(10) "Auger mining" means a method of mining coal at a cliff or highwall by drilling holes into an exposed coal seam from the highwall and transporting the coal along an auger bit to the surface and shall also include all other methods of mining in which coal is extracted from beneath the overburden by mechanical devices located at the face of the cliff or highwall and extending laterally into the coal seam, such as extended depth, secondary recovery systems.

(11) "Best technology currently available" means equipment, devices, systems, methods, or techniques which will prevent, to the extent possible, additional contributions of suspended solids to stream flow or runoff outside the permit area and minimize, to the extent possible, disturbances and adverse impacts on fish, wildlife, and related environmental values, and achieve enhancement of those resources where practicable. The term includes equipment, devices, systems, methods, or techniques which are currently available anywhere as determined by the cabinet, even if they are not in routine use. The term includes, but is not limited to, construction practices, siting requirements, vegetative selection and planting requirements, animal stocking requirements, scheduling of activities and design of sedimentation ponds in accordance with 405 KAR Chapters 16 and 18. The cabinet shall have the discretion to determine the best technology currently available on a case-by-case basis, as authorized by KRS Chapter 350 and 405 KAR Chapters 7 through 24.

(12) "Cabinet" is defined in KRS 350.010.

(13) "Cemetery" means any area where human bodies are interred.

(14) "Cessation order" means an order for cessation and immediate compliance and any similar order issued by OSM under SMCRA or issued by any state pursuant to its laws or regulations under SMCRA.

(15) "CFR" means Code of Federal Regulations.

(16) "Coal" means combustible carbonaceous rock, classified as anthracite, bituminous, subbituminous, or lignite by ASTM Standard D 388-77.

(17) "Coal exploration" means the field gathering of:

(a) Surface or subsurface geologic, physical, or chemical data by mapping, trenching, drilling, geophysical, or other techniques necessary to determine the quality and quantity of overburden and coal of an area; or

(b) Environmental data to establish the conditions of an area before beginning surface coal mining and reclamation operations under the requirements of 405 KAR Chapters 7 through 24 if the activity may cause any disturbance of the land surface or may cause any appreciable effect upon land, air, water, or other environmental resources.

(18) "Coal mine waste" means coal processing waste and underground development waste.

(19) "Coal processing plant" means a facility where coal is subjected to chemical or physical processing or cleaning, concentrating, crushing, sizing, screening, or other processing or preparation including all associated support facilities including but not limited to: loading facilities; storage and stockpile facilities; sheds, shops, and other buildings; water treatment and water storage facilities; settling basins and impoundments; and coal processing and other waste disposal areas.

(20) "Coal processing waste" means materials which are separated from the product coal during the cleaning, concentrating, or other processing or preparation of coal.

(21) "Collateral bond" means an indemnity agreement in a sum certain payable to the cabinet executed by the permittee and which is supported by the deposit with the cabinet of cash, negotiable certificates of deposit, or an irrevocable letter of credit of any bank

organized and authorized to transact business in the United States.

(22) "Combustible material" means organic material that is capable of burning, either by fire or through oxidation, accompanied by the evolution of heat and a significant temperature rise.

(23) "Compaction" means increasing the density of a material by reducing the voids between the particles by mechanical effort.

(24) "Complete and accurate application" means an application for permit approval, or approval for coal exploration if required, which the cabinet determines to contain all information required under, and necessary to comply with, KRS Chapter 350 and 405 KAR Chapters 7 through 24, in order to make decisions concerning its administrative and technical acceptability and whether a permit or exploration approval may be issued.

(25) "Cropland" means land used for the production of adapted crops for harvest, alone or in a rotation with grasses and legumes, and includes row crops, small grain crops, hay crops, nursery crops, orchard crops, and other similar specialty crops.

(26) "Cumulative impact area" means the area, including the permit area, within which impacts resulting from the proposed operation may interact with the impacts of all anticipated mining on surface and groundwater systems. Anticipated mining shall include, at a minimum, the entire projected lives through bond release of:

(a) The proposed operation;

(b) All existing operations;

(c) Any operation for which a permit application has been submitted to the cabinet; and

(d) All operations required to meet diligent development requirements for leased federal coal for which there is actual mine development information available.

(27) "Day" means calendar day unless otherwise specified to be a working day.

(28) "Department" means the Department for Surface Mining Reclamation and Enforcement.

(29) "Developed water resources land" means land used for storing water for beneficial uses such as stockpounds, irrigation, fire protection, flood control, and water supply.

(30) "Disturbed area" means an area where vegetation, topsoil, or overburden is removed or upon which topsoil, spoil, coal processing waste, underground development waste, or noncoal waste is placed by surface coal mining operations. Those areas are classified as "disturbed" until reclamation is complete and the performance bond or other assurance of performance required by 405 KAR Chapter 10 is released.

(31) "Diversion" means a channel, embankment, or other manmade structure constructed to divert water from one (1) area to another.

(32) "Embankment" means a manmade deposit of material that is raised above the natural surface of the land and used to contain, divert, or store water; to support roads or railways; or for other similar purposes.

(33) "Ephemeral stream" means a stream which flows only in direct response to precipitation in the immediate watershed or in response to the melting of a cover of snow and ice, and which has a channel bottom that is always above the local water table.

(34) "Excess spoil" means spoil disposed of in a location other than the coal extraction area, except that spoil material used to achieve the approximate original contour shall not be considered excess spoil.

(35) "Existing structure" means a structure or facility used in connection with or to facilitate surface coal mining and reclamation operations, for which construction began prior to January 18, 1983.

(36) "Federal lands" means any lands, including mineral interests, owned by the United States, without regard to how the United States acquired ownership of the lands or which agency manages the lands. It does not include Indian lands.

(37) "Forest land" means land used or managed for the long-term production of wood, wood fiber, or wood derived products.

(38) "Fugitive dust" means that particulate matter which becomes airborne due to wind erosion from exposed surfaces.

(39) "General area" means, with respect to hydrology, the topographic and groundwater basin surrounding a permit area which

is of sufficient size, including areal extent and depth, to include one (1) or more watersheds containing perennial streams and groundwater zones and to allow assessment of the probable cumulative impacts on the quality and quantity of surface and groundwater systems in the basins.

(40) "Ground cover" means the area of ground covered by the combined aerial parts of vegetation and litter produced and distributed naturally and seasonally on site, expressed as a percentage of the total area of measurement.

(41) "Groundwater" means subsurface water that fills available openings in rock or soil materials to the extent that they are considered water saturated.

(42) "Growing season" means the period during a one (1) year cycle, from the last killing frost in the spring to the first killing frost in the fall, in which climatic conditions are favorable for plant growth. In Kentucky, this period normally extends from mid-April to mid-October.

(43) "Highwall" means the face of exposed overburden and coal in an open cut of a surface mining activity or for entry to underground mining activities.

(44) "Historically used for cropland."

(a) "Historically used for cropland" means that lands have been used for cropland for any five (5) years or more out of the ten (10) years immediately preceding:

1. The application; or

2. The acquisition of the land for the purpose of conducting surface coal mining and reclamation operations.

(b) Lands meeting either paragraph (a)1 or 2 of this subsection shall be considered "historically used for cropland."

(c) In addition to the lands covered by paragraph (a) of this subsection, other lands shall be considered "historically used for cropland" as described below:

1. Lands that would likely have been used as cropland for any five (5) out of the last ten (10) years immediately preceding the acquisition or the application but for some fact of ownership or control of the land unrelated to the productivity of the land; and

2. Lands that the cabinet determines, on the basis of additional cropland history of the surrounding lands and the lands under consideration, are clearly cropland but fall outside the specific five (5) years in ten (10) criterion.

(d) Acquisition includes purchase, lease, or option of the land for the purpose of conducting or allowing through resale, lease or option, the conduct of surface coal mining and reclamation operations.

(45) "Hydrologic balance" means the relationship between the quality and quantity of water inflow to, water outflow from, and water storage in a hydrologic unit such as a drainage basin, aquifer, soil zone, lake, or reservoir. It encompasses the dynamic relationship between precipitation, runoff, evaporation, and changes in ground and surface water storage.

(46) "Hydrologic regime" means the entire state of water movement in a given area. It is a function of the climate and includes the phenomena by which water first occurs as atmospheric water vapor, passes into a liquid or solid form, falls as precipitation, moves along or into the ground surface, and returns to the atmosphere as vapor by means of evaporation and transpiration.

(47) "Imminent danger to the health and safety of the public" means the existence of any condition or practice, or any violation of a permit or other requirements of KRS Chapter 350 in a surface coal mining and reclamation operation, which could reasonably be expected to cause substantial physical harm to persons outside the permit area before the condition, practice, or violation can be abated. A reasonable expectation of death or serious injury before abatement exists if a rational person, subjected to the same condition or practice giving rise to the peril, would avoid exposure to the danger during the time necessary for abatement.

(48) "Impoundment" means a closed basin, naturally formed or artificially built, which is dammed or excavated for the retention of water, sediment, or waste.

(49) "Incidental boundary revision" means an extension to a permit area that is necessary for reasons unforeseen when the original permit application was prepared and that is small in relation

to the original or amended permit area.

(50) "Industrial/commercial lands" means lands used for:

(a) Extraction or transformation of materials for fabrication of products, wholesaling of products, or long-term storage of products, and heavy and light manufacturing facilities.

(b) Retail or trade of goods or services, including hotels, motels, stores, restaurants, and other commercial establishments.

(51) [(50)] "In situ processes" means activities conducted on the surface or underground in connection with in-place distillation, retorting, leaching, or other chemical or physical processing of coal. The term includes, but is not limited to, in situ gasification, in situ leaching, slurry mining, solution mining, borehole mining, and fluid recovery mining.

(52) [(51)] "Intermittent stream" means:

(a) A stream or reach of stream that drains a watershed of one (1) square mile or more but does not flow continuously during the calendar year; or

(b) A stream or reach of a stream that is below the local water table for at least some part of the year, and obtains its flow from both surface runoff and groundwater discharge.

(53) [(52)] "Irreparable damage to the environment" means any damage to the environment, in violation of SMCRA, KRS Chapter 350, or 405 KAR Chapters 7 through 24, that cannot be corrected by actions of the applicant.

(54) [(53)] "KAR" means Kentucky administrative regulations.

(55) [(54)] "KRS" means Kentucky Revised Statutes.

(56) [(55)] "Land use" means specific functions, uses, or management-related activities of an area, and may be identified in combination when joint or seasonal uses occur and may include land used for support facilities that are an integral part of the use. In some instances, a specific use can be identified without active management.

(57) [(56)] "Monitoring" means the collection of environmental data by either continuous or periodic sampling methods.

(58) [(57)] "MRP" means mining and reclamation plan.

(59) [(58)] "MSHA" means Mine Safety and Health Administration.

(60) [(59)] "Mulch" means vegetation residues or other suitable materials that aid in soil stabilization and soil moisture conservation, thus providing micro-climatic conditions suitable for germination and growth.

(61) [(60)] "Notice of noncompliance and order for remedial measures" means a written document and order prepared by an authorized representative of the cabinet which sets forth with specificity the violations of KRS Chapter 350, 405 KAR Chapters 7 through 24, or permit conditions which the authorized representative of the cabinet determines to have occurred based upon his inspection, and the necessary remedial actions, if any, and the time schedule for completion thereof, which the authorized representative deems necessary and appropriate to correct the violations.

(62) [(61)] "Notice of violation" means any written notification from a governmental entity of a violation of law or regulation, whether by letter, memorandum, legal or administrative pleading, or other written communication. This shall include a notice of noncompliance and order for remedial measures.

(63) [(62)] "Occupied dwelling" means any building that is currently being used on a regular or temporary basis for human habitation.

(64) [(63)] "Operations" is defined in KRS 350.010.

(65) [(64)] "Operator" is defined in KRS 350.010.

(66) [(65)] "Order for cessation and immediate compliance" means a written document and order issued by an authorized representative of the cabinet when:

(a) A person to whom a notice of noncompliance and order for remedial measures was issued has failed, as determined by a cabinet inspection, to comply with the terms of the notice of noncompliance and order for remedial measures within the time limits set therein, or as subsequently extended; or

(b) The authorized representative finds, on the basis of a cabinet inspection, any condition or practice or any violation of KRS Chapter 350, 405 KAR Chapters 7 through 24, or any condition of a permit or exploration approval which:

1. Creates an imminent danger to the health or safety of the public; or

2. Is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air or water resources.

(67) [(66)] "OSM" means Office of Surface Mining Reclamation and Enforcement, United States Department of the Interior.

(68) [(67)] "Other mineral" means any commercially valuable substance mined for its mineral value, excluding coal, topsoil, waste, and fill material.

(69) [(68)] "Overburden" is defined in KRS 350.010.

(70) [(69)] "Owned or controlled" and "owns or controls" mean any one (1) or a combination of the relationships specified in paragraphs (a) and (b) of this definition:

(a) 1. Being a permittee of a surface coal mining operation;

2. Based on instruments of ownership or voting securities, owning of record in excess of fifty (50) percent of an entity; or

3. Having any other relationship that gives one (1) person authority directly or indirectly to determine the manner in which an applicant, an operator, or other entity conducts surface coal mining operations.

(b) The following relationships are presumed to constitute ownership or control unless a person can demonstrate that the person subject to the presumption does not in fact have the authority directly or indirectly to determine the manner in which the relevant surface coal mining operation is conducted:

1. Being an officer or director of an entity;

2. Being the operator of a surface coal mining operation;

3. Having the ability to commit the financial or real property assets or working resources of an entity;

4. Being a general partner in a partnership;

5. Based on the instruments of ownership or the voting securities of a corporate entity, owning of record ten (10) through fifty (50) percent of the entity; or

6. Owning or controlling coal to be mined by another person under a lease, sublease, or other contract and having the right to receive the coal after mining or having authority to determine the manner in which that person or another person conducts a surface coal mining operation.

(71) [(70)] "Pastureland" means land used primarily for the long-term production of adapted, domesticated forage plants to be grazed by livestock or occasionally cut and cured for livestock feed.

(72) [(71)] "Perennial stream" means a stream or that part of a stream that flows continuously during all of the calendar year as a result of groundwater discharge or surface runoff. The term does not include "intermittent stream" or "ephemeral stream."

(73) [(72)] "Performance bond" means a surety bond, a collateral bond, or a combination thereof, or bonds filed pursuant to the provisions of the Kentucky Bond Pool Program (405 KAR 10:200, KRS 350.595, and KRS 350.700 through 350.755), by which a permittee assures faithful performance of all the requirements of KRS Chapter 350, 405 KAR Chapters 7 through 24, and the requirements of the permit and reclamation plan.

(74) [(73)] "Permanent diversion" means a diversion remaining after surface coal mining and reclamation operations are completed which has been approved for retention by the cabinet and other appropriate Kentucky and federal agencies.

(75) [(74)] "Permit" means written approval issued by the cabinet to conduct surface coal mining and reclamation operations.

(76) [(75)] "Permit area" means the area of land and water within boundaries designated in the approved permit application, which shall include, at a minimum, all areas which are or will be affected by surface coal mining and reclamation operations under that permit.

(77) [(76)] "Permittee" means an operator or a person holding or required by KRS Chapter 350 or 405 KAR Chapters 7 through 24 to hold a permit to conduct surface coal mining and reclamation operations during the permit term and until all reclamation obligations imposed by KRS Chapter 350 and 405 KAR Chapters 7 through 24 are satisfied.

(78) [(77)] "Person" is defined in KRS 350.010 and 446.010(26).

(79) [(78)] "Person having an interest which is or may be adversely affected" or "person with a valid legal interest" shall include

any person:

(a) Who uses any resource of economic, recreational, aesthetic, or environmental value that may be adversely affected by coal exploration or surface coal mining and reclamation operations, or by any related action of the cabinet; or

(b) Whose property is or may be adversely affected by coal exploration or surface coal mining and reclamation operations, or by any related action of the cabinet.

(80) [(79)] "Previously mined area" means land that was disturbed or affected by coal mining operations conducted prior to August 3, 1977, that has not been reclaimed to the standards of this title, and for which there is no continuing responsibility to reclaim to the standards of this title.

(81) [(80)] "Prime farmland" means those lands which are defined by the Secretary of Agriculture in 7 CFR 657 and which have been "historically used for cropland" as that phrase is defined above.

(82) [(81)] "Principal shareholder" means any person who is the record or beneficial owner of ten (10) percent or more of any class of voting stock of the applicant.

(83) [(82)] "Probable cumulative impacts" means the expected total qualitative, and quantitative, direct and indirect effects of surface coal mining and reclamation operations on the hydrologic regime.

(84) [(83)] "Probable hydrologic consequences" means the projected results of proposed surface coal mining and reclamation operations which may reasonably be expected to change the quantity or quality of the surface and groundwater; the surface or groundwater flow, timing, and pattern; and the stream channel conditions on the permit area and adjacent areas.

(85) [(84)] "Property to be mined" means both the surface and mineral estates on and underneath lands which are within the permit area.

(86) [(85)] "Public building" means any structure that is owned or leased, and principally used by a governmental agency for public business or meetings.

(87) [(86)] "Publicly-owned park" means a public park that is owned by a federal, state, or local governmental entity.

(88) [(87)] "Public office" means a facility under the direction and control of a governmental entity which is open to public access on a regular basis during reasonable business hours.

(89) [(88)] "Public park" means an area dedicated or designated by any federal, state, or local agency primarily for public recreational use, despite whether the use is limited to certain times or days. It includes any land leased, reserved, or held open to the public because of that use.

(90) [(89)] "Public road" means any publicly owned thoroughfare for the passage of vehicles.

(91) [(90)] "Recharge capacity" means the ability of the soils and underlying materials to allow precipitation and runoff to infiltrate and reach the zone of saturation.

(92) [(91)] "Reclamation" is defined in KRS 350.010.

(93) [(92)] "Recreation land" means land used for public or private leisure-time use, including developed recreation facilities such as parks, camps, and amusement areas, as well as areas for less intensive uses such as hiking, canoeing, and other undeveloped recreational uses.

(94) [(93)] "Reference area" means a land unit maintained under appropriate management for the purpose of measuring vegetative ground cover, productivity, and plant species diversity that are produced naturally or by crop production methods approved by the cabinet.

(95) [(94)] "Refuse pile" means a surface deposit of coal mine waste that is not retained by an impounding structure and does not impound water, slurry, or other liquid or semiliquid material.

(96) [(95)] "Remining" means conducting surface coal mining and reclamation operations which affect previously mined areas.

(97) [(96)] "Renewable resource lands."

(a) As used in 405 KAR Chapter 24, "renewable resource lands" means geographic areas which contribute significantly to the long-range productivity of water supplies or of food or fiber products, these lands to include aquifers and aquifer recharge areas.

(b) As used in 405 KAR 8:040, Section 26, "renewable resource

lands" means aquifers and areas for the recharge of aquifers and other underground waters, areas for agricultural or silvicultural production of food and fiber, and grazing lands.

(98) [(97)] "Residential land" means tracts employed for single and multiple-family housing, mobile home parks, and other residential lodgings.

(99) [(98)] "Road" means a surface right-of-way for purposes of travel by land vehicles used in coal exploration or surface coal mining and reclamation operations. A road consists of the entire area within the right-of-way, including the roadbed, shoulders, parking and side area, approaches, structures, ditches, surface, and contiguous appendages necessary for the total structure. The term includes access and haul roads constructed, used, reconstructed, improved, or maintained for use in coal exploration or surface coal mining and reclamation operations, including use by coal hauling vehicles leading to transfer, processing, or storage areas. The term does not include pioneer or construction roadways used for part of the road construction procedure and promptly replaced by a road pursuant to 405 KAR Chapters 16 and 18 located in the identical right-of-way as the pioneer or construction roadway. The term also excludes any roadway within the immediate mining pit area.

(100) [(99)] "SCS" means Soil Conservation Service.

(101) [(400)] "Secretary" is defined in KRS 350.010.

(102) [(404)] "Sedimentation pond" means a primary sediment control structure designed, constructed, and maintained in accordance with 405 KAR 16:090 or 405 KAR 18:090 and including but not limited to a barrier, dam, or excavated depression which slows down water runoff to allow suspended solids to settle out. A sedimentation pond shall not include secondary sedimentation control structures, such as straw dikes, riprap, check dams, mulches, dugouts, and other measures that reduce overland flow velocity, reduce runoff volume, or trap sediment, to the extent that the secondary sedimentation structures drain to a sedimentation pond.

(103) [(402)] "Significant, imminent environmental harm" means an adverse impact on land, air, or water resources which resources include, but are not limited to, plant and animal life as further defined in this subsection.

(a) An environmental harm is imminent, if a condition, practice, or violation exists which:

1. Is causing environmental harm; or
2. May reasonably be expected to cause environmental harm at any time before the end of the reasonable abatement time that would be set by the cabinet's authorized agents pursuant to the provisions of KRS Chapter 350.

(b) An environmental harm is significant if that harm is appreciable and not immediately reparable.

(104) [(403)] "Slope" means average inclination of a surface, measured from the horizontal, generally expressed as the ratio of a unit of vertical distance to a given number of units of horizontal distance (e.g., 1v:5h). It may also be expressed as a percent or in degrees.

(105) [(404)] "Slurry mining" means the hydraulic breakdown of subsurface coal with drill-hole equipment, and the eduction of the resulting slurry to the surface for processing.

(106) [(405)] "Small operator", as used in 405 KAR 8:030, Section 3(5) and 405 KAR 8:040, Section 3(5), is defined at KRS 350.450(4)(c).

(107) [(406)] "SMCRA" means Surface Mining Control and Reclamation Act of 1977 (Public Law 95-87), as amended.

(108) [(407)] "Soil horizons" means contrasting layers of soil parallel or nearly parallel to the land surface. Soil horizons are differentiated on the basis of field characteristics and laboratory data. The four (4) master soil horizons are:

(a) "A horizon." The uppermost mineral layer, often called the surface soil. It is the part of the soil in which organic matter is most abundant, and leaching of soluble or suspended particles is typically the greatest.

(b) "E horizon." The layer commonly near the surface below an A horizon and above a B horizon. An E horizon is most commonly differentiated from an overlying A horizon by lighter color and generally has measurably less organic matter than the A horizon. An

E horizon is most commonly differentiated from an underlying B horizon in the same sequum by color of higher value or lower chroma, by coarser texture, or by a combination of these properties.

(c) "B horizon." The layer that typically is immediately beneath the E horizon and often called the subsoil. This middle layer commonly contains more clay, iron, or aluminum than the A, E, or C horizons.

(d) "C horizon." The deepest layer of soil profile. It consists of loose material or weathered rock that is relatively unaffected by biologic activity.

(109) [(408)] "Soil survey" means a field and other investigation, resulting in a map showing the geographic distribution of different kinds of soils and an accompanying report that describes, classifies, and interprets the soils for use. Soil surveys shall meet the standards of the National Cooperative Soil Survey.

(110) [(409)] "Spoil" means overburden and other materials, excluding topsoil, coal mine waste, and mined coal, that are excavated during surface coal mining and reclamation operations.

(111) [(440)] "Stabilize" means to control movement of soil, spoil piles, or areas of disturbed earth by modifying the geometry of the mass, or by otherwise modifying physical or chemical properties, such as by providing a protective surface coating.

(112) [(444)] "Steep slope" means any slope of more than twenty (20) degrees.

(113) [(442)] (a) "Substantial legal and financial commitments" means significant investments, that have been made on the basis of a long-term coal contract, consisting of actual expenditures of substantial monies or execution of valid and binding contracts involving substantial monies for such things as power plants; railroads; coal handling, preparation, extraction, and storage facilities; and other capital-intensive activities such as:

1. Improvement or modification of coal lands within, for access to, or in support of surface coal mining and reclamation operations in the petitioned area;

2. Acquisition of capital equipment for use in, for access to, or for use in support of surface coal mining and reclamation operations in the petitioned area; and

3. Exploration, mapping, surveying, and geological work, as well as expenditures of engineering and legal fees, associated with the acquisition of the property or preparation of an application to conduct surface coal mining and reclamation operations in the petitioned area.

(b) The costs of acquiring the coal in place or the right to mine such coal are not sufficient to constitute a substantial legal and financial commitment in the absence of other investments as described in paragraph (a) of this subsection.

(114) [(443)] "Substantially disturb" means, for purposes of coal exploration, to significantly impact land or water resources by blasting; by removal of vegetation, topsoil, or overburden; by construction of roads or other access routes; by placement of excavated earth or waste material on the natural land surface; or by other activities, or to remove more than twenty-five (25) tons of coal.

(115) [(444)] "Successor in interest" means any person who succeeds to rights granted under a permit, by transfer, assignment, or sale of those rights.

(116) [(446)] "Surety bond" means an indemnity agreement in a sum certain, payable to the cabinet and executed by the permittee, which is supported by the performance guarantee of a corporation licensed to do business as a surety in the Commonwealth of Kentucky.

(117) [(446)] "Surface coal mining and reclamation operations" is defined in KRS 350.010.

(118) [(447)] "Surface coal mining operations" is defined in KRS 350.010.

(119) [(449)] "Surface mining activities" means those surface coal mining and reclamation operations incident to the extraction of coal from the earth by removing the materials over a coal seam before recovering the coal, by auger coal mining, by extraction of coal from coal refuse piles, or by recovery of coal from slurry ponds.

(120) [(449)] "Suspended solids" or nonfilterable residue, expressed as milligrams per liter, means organic or inorganic materials carried or held in suspension in water which are retained by a standard glass fiber filter in the procedure outlined by the U.S.

EPA's regulations for waste water and analyses (40 CFR 136).

(121) [(+20)] "Temporary diversion" means a diversion of a stream or overland flow which is used during coal exploration or surface coal mining and reclamation operations and not approved by the cabinet to remain after reclamation as part of the approved postmining land use.

(122) [(+24)] "Ton" means 2000 pounds avoirdupois (.90718 metric ton).

(123) [(+22)] "Topsoil" means the A and E soil horizon layers of the four (4) master soil horizons.

(124) [(+23)] "Toxic-forming materials" means earth materials or wastes which, if acted upon by air, water, weathering, or microbiological processes, are likely to produce chemical conditions in soils or water that are detrimental to biota or uses of water.

(125) [(+24)] "Toxic mine drainage" means water that is discharged from active or abandoned mines or other areas affected by coal exploration or surface coal mining and reclamation operations, which contains a substance that through chemical action is likely to kill, injure, or impair biota commonly present in the area that might be exposed to it.

(126) [(+25)] "Transfer, assignment, or sale of permit rights" means a change in ownership or other effective control over the right to conduct surface coal mining operations under a permit issued by the cabinet.

(127) [(+26)] "TRM" means Technical Reclamation Memorandum.

(128) [(+27)] "Underground development waste" means waste coal, shale, claystone, siltstone, sandstone, limestone, or similar materials that are extracted from underground workings in connection with underground mining activities.

(129) [(+28)] "Underground mining activities" means a combination of:

(a) Surface operations incident to underground extraction of coal or in situ processing, including construction, use, maintenance, and reclamation of roads, above-ground repair areas, storage areas, processing areas, and shipping areas; areas upon which are sited support facilities including hoist and ventilating ducts; areas utilized for the disposal and storage of waste; and areas on which materials incident to underground mining operations are placed; and

(b) Underground operations such as underground construction, operation, and reclamation of shafts, adits, underground support facilities; in situ processing; and underground mining, hauling, storage, and blasting.

(130) [(+29)] "USDA" means United States Department of Agriculture.

(131) [(+30)] "U.S. EPA" means United States Environmental Protection Agency (133) "USGS" means United States Geological Survey.

(132) [(+31)] "USGS" means United States Geological Survey.

(133) [(+32)] "Valid existing rights" means:

(a) Except for haul roads, property rights in existence on August 3, 1977, that were created by a legally binding conveyance, lease, contract or other instrument which authorizes the applicant to produce coal and the person proposing to conduct a surface coal mining operation on the lands either:

1. Had been validly issued or had made a good faith effort to obtain, on or before August 3, 1977, all state and federal permits necessary to conduct surface coal mining operations on those lands, application for the permits being deemed to constitute good faith efforts to obtain the permits; or

2. Can demonstrate to the cabinet that the coal is both needed for, and immediately adjacent to, an ongoing surface coal mining operation for which all permits were obtained prior to August 3, 1977.

(b) For haul roads:

1. A recorded right-of-way, recorded easement, or a permit for coal haul road recorded as of August 3, 1977; or

2. Any other road in existence as of August 3, 1977.

(c) Valid existing rights does not mean the mere expectation of a right to conduct surface coal mining operations or the right to conduct underground coal mining.

(134) [(+33)] "Water transmitting zone" means a body of consolidated or unconsolidated rocks which, due to their greater primary or

secondary permeability relative to the surrounding rocks, can reasonably be considered to function as a single hydraulic medium for the flow of groundwater.

(135) [(+34)] "Wetland" means land that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

(a) "Hydric soil" means soil that, in its undrained condition, is saturated, flooded, or ponded long enough during a growing season to develop an anaerobic condition that supports the growth and regeneration of hydrophytic vegetation.

(b) "Hydrophytic vegetation" means a plant growing in:

1. Water; or

2. A substrate that is at least periodically deficient in oxygen during a growing season as a result of excessive water content.

(136) [(+35)] "Willfully" and "willful violation" mean that a person acted either intentionally, voluntarily, or consciously, and with intentional disregard or plain indifference to legal requirements, in authorizing, ordering, or carrying out an act or omission that constituted a violation of SMCRA, KRS Chapter 350, 405 KAR Chapters 7 through 24, or a permit condition, or that constituted a failure or refusal to comply with an order issued pursuant to SMCRA, KRS Chapter 350, or 405 KAR Chapters 7 through 24.

PHILLIP J. SHEPHERD, Secretary

JUDITH A. VILLINES, Commissioner

APPROVED BY AGENCY: July 14, 1992

FILED WITH LRC: July 15, 1992 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 27, 1992, at 9 a.m. at Hudson Hollow Office Park, #2 Hudson Hollow, Frankfort, Kentucky in Room D-16. Persons interested in being heard at this hearing shall notify this agency in writing by August 22, 1992, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. To assure an accurate record, the cabinet requests that each person testifying at the hearing provide the cabinet with a written copy of his or her testimony. No transcript of recording will automatically be taken of the hearing unless a written request for a transcript of recording is made, in which case the person making the request shall have the responsibility of paying for same. Written comments on the proposed amendment may be submitted at any time before 4:30 p.m. on August 27, 1992. Comments received after that time will not be considered. Written notification of intent to be heard at the public hearing and written comments must be submitted to the following contact person: Judith A. Villines, Department of Law, Fifth Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith A. Villines

(1) Type and number of entities affected: This regulation amends 405 KAR 8:001 by the definition of "person" to include the definition of person under KRS 446.010 which includes inter alia governmental bodies. The regulation therefore has an indirect effect on state, county and local governments. This regulation also provides for a definition for industrial or commercial use and is indirectly applicable to permits issued by the cabinet authorizing surface mining and reclamation operations. As such, the regulation will indirectly pertain to any person interested in or adversely affected by a determination or enforcement action initiated by the cabinet and also has an indirect impact on all active and inactive surface mining permits of which there are approximately 3,800.

(a) Direct and indirect costs or savings to those affected:

1. First year: None. This regulation, which is definitional in nature, should not have any fiscal impact.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any

effects upon competition): None

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None. This regulation, which is definitional in nature, should not have any fiscal impact on the cabinet.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues:

None

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were considered.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Tiering is not applicable to this proposed amendment because, under the federal and Kentucky surface mining laws and regulations, these requirements must apply equally to all entities.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 30 USC 1253, 1255, 1291. 7 CFR Part 657, 30 CFR Parts 700.5, 701.5, 707.5, 730, 731, 732, 733, 735, 761.5, 762.5, 773.5, 800.5, 843.5, 917.

2. State compliance standards. This regulation defines terms used in 405 KAR Chapter 8 and amends the definition of "person" to include the definition of person under KRS 446.010 which includes inter alia governmental bodies. This regulation also provides a definition for "industrial or commercial use" and is applicable to permits issued by the cabinet authorizing surface mining and reclamation operations.

3. Minimum or uniform standards contained in the federal mandate. The federal regulations definition of "person" and "industrial or commercial use" as set forth in the federal surface mining regulations are substantially the same or similar to those proposed in the state regulation.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Not applicable.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET Department for Surface Mining Reclamation and Enforcement (Proposed Amendment)

405 KAR 10:001. Definitions for 405 KAR Chapter 10.

RELATES TO: KRS Chapter 350, 7 CFR Part 657, 30 CFR Parts 700.5, 701.5, 707.5, 730-733, 735, 761.5, 762.5, 773.5, 800.5, 843.5, 917, 40 CFR Part 136, 30 USC 1253, 1255, 1291

STATUTORY AUTHORITY: KRS Chapter 13A, 350.028, 350.465, 7 CFR Part 657, 30 CFR Parts 700.5, 701.5, 707.5, 730-733, 735, 761.5, 762.5, 773.5, 800.5, 843.5, 917, 40 CFR Part 136, 30 USC 1253, 1255, 1291

NECESSITY AND FUNCTION: KRS Chapter 350 in pertinent part requires the cabinet to promulgate rules and regulations pertaining to surface coal mining and reclamation operations under the permanent regulatory program. This regulation provides for the defining of certain essential terms used in 405 KAR Chapter 10.

Section 1. Definitions. (1) "Adjacent area" means land located

outside the affected area or permit area, depending on the context in which "adjacent area" is used, where air, surface or groundwater, fish, wildlife, vegetation or other resources protected by KRS Chapter 350 may be adversely impacted by surface coal mining and reclamation operations.

(2) "Administrator" or "bond pool administrator", as used in 405 KAR 10:200, means the cabinet employee named by the secretary to assist the commission and to perform certain administrative functions in connection with the bond pool, as required by KRS 350.715.

(3) "Affected area" means any land or water area which is used to facilitate, or is physically altered by, surface coal mining and reclamation operations. The affected area includes the disturbed area; any area upon which surface coal mining and reclamation operations are conducted; any adjacent lands the use of which is incidental to surface coal mining and reclamation operations; all areas covered by new or existing roads used to gain access to, or for hauling coal to or from, surface coal mining and reclamation operations, except as provided in this definition; any area covered by surface excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, shipping areas; any areas upon which are sited structures, facilities, or other property or material on the surface resulting from, or incident to, surface coal mining and reclamation operations; and the area located above underground workings associated with underground mining activities, auger mining, or in situ mining. The affected area shall include every road used for the purposes of access to, or for hauling coal to or from, surface coal mining and reclamation operations, unless the road:

(a) Was designated as a public road pursuant to the laws of the jurisdiction in which it is located;

(b) Is maintained with public funds, and constructed in a manner similar to other public roads of the same classification within the jurisdiction; and

(c) There is substantial (more than incidental) public use.

(4) "Applicant", as used in 405 KAR 10:010, means any person seeking a permit, permit revision, permit amendment, permit renewal, or transfer, assignment, or sale of permit rights from the cabinet to conduct surface coal mining and reclamation operations pursuant to KRS Chapter 350 and all applicable regulations.

(5) "Bond pool" or "Kentucky Bond Pool" means the voluntary alternative bonding program established at KRS 350.700 through 350.755.

(6) "Cabinet" is defined in KRS 350.010.

(7) "CFR" means Code of Federal Regulations.

(8) "Coal" means combustible carbonaceous rock, classified as anthracite, bituminous, subbituminous, or lignite by ASTM Standard D 388-77.

(9) "Collateral bond" means an indemnity agreement in a sum certain payable to the cabinet executed by the permittee and which is supported by the deposit with the cabinet of cash, negotiable certificates of deposit, or an irrevocable letter of credit of any bank organized and authorized to transact business in the United States.

(10) "Commission" or "bond pool commission" means the body established at KRS 350.705.

(11) "Cropland" means land used for the production of adapted crops for harvest, alone or in a rotation with grasses and legumes, and includes row crops, small grain crops, hay crops, nursery crops, orchard crops, and other similar specialty crops.

(12) "Day" means calendar day unless otherwise specified to be a working day.

(13) "Department" means the Department for Surface Mining Reclamation and Enforcement.

(14) "Disturbed area" means an area where vegetation, topsoil, or overburden is removed or upon which topsoil, spoil, coal processing waste, underground development waste, or noncoal waste is placed by surface coal mining operations. Those areas are classified as "disturbed" until reclamation is complete and the performance bond or other assurance of performance required by 405 KAR Chapter 10 is released.

(15) "FDIC" means Federal Deposit Insurance Corporation.

(16) "Federal lands" means any lands, including mineral interests, owned by the United States, without regard to how the United States acquired ownership of the lands or which agency manages the lands. It does not include Indian lands.

(17) "FSLIC" means Federal Savings and Loan Insurance Corporation.

(18) "Historically used for cropland."

(a) "Historically used for cropland" means that lands have been used for cropland for any five (5) years or more out of the ten (10) years immediately preceding:

1. The application; or
2. The acquisition of the land for the purpose of conducting surface coal mining and reclamation operations.

(b) Lands meeting either paragraph (a)1 or 2 of this subsection shall be considered "historically used for cropland."

(c) In addition to the lands covered by paragraph (a) of this subsection, other lands shall be considered "historically used for cropland" as described below:

1. Lands that would likely have been used as cropland for any five (5) out of the last ten (10) years immediately preceding the acquisition or the application but for some fact of ownership or control of the land unrelated to the productivity of the land; and

2. Lands that the cabinet determines, on the basis of additional cropland history of the surrounding lands and the lands under consideration, are clearly cropland but fall outside the specific five (5) years in ten (10) criterion.

(d) Acquisition includes purchase, lease, or option of the land for the purpose of conducting or allowing through resale, lease or option, the conduct of surface coal mining and reclamation operations.

(19) "Impoundment" means a closed basin, naturally formed or artificially built, which is dammed or excavated for the retention of water, sediment, or waste.

(20) "KAR" means Kentucky administrative regulations.

(21) "KRS" means Kentucky Revised Statutes.

(22) "Land use" means specific functions, uses, or management-related activities of an area, and may be identified in combination when joint or seasonal uses occur and may include land used for support facilities that are an integral part of the use. In some instances, a specific use can be identified without active management.

(23) "Month of operation," as used in 405 KAR 10:200, Section 7, means a calendar month in which a duty exists to reclaim a disturbed area for which a permit was issued under KRS Chapter 350. It is not necessary that coal extraction occur during the month.

(24) "Notice of noncompliance and order for remedial measures" means a written document and order prepared by an authorized representative of the cabinet which sets forth with specificity the violations of KRS Chapter 350, 405 KAR Chapters 7 through 24, or permit conditions which the authorized representative of the cabinet determines to have occurred based upon his inspection, and the necessary remedial actions, if any, and the time schedule for completion thereof, which the authorized representative deems necessary and appropriate to correct the violations.

(25) "Operations" is defined in KRS 350.010.

(26) "Operator" is defined in KRS 350.010.

(27) "Order for cessation and immediate compliance" means a written document and order issued by an authorized representative of the cabinet when:

(a) A person to whom a notice of noncompliance and order for remedial measures was issued has failed, as determined by a cabinet inspection, to comply with the terms of the notice of noncompliance and order for remedial measures within the time limits set therein, or as subsequently extended; or

(b) The authorized representative finds, on the basis of a cabinet inspection, any condition or practice or any violation of KRS Chapter 350, 405 KAR Chapters 7 through 24, or any condition of a permit or exploration approval which:

1. Creates an imminent danger to the health or safety of the public; or
2. Is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air or water resources.

(28) "Owned or controlled" and "owns or controls" mean any one (1) or a combination of the relationships specified in paragraphs (a) and (b) of this definition:

- (a) 1. Being a permittee of a surface coal mining operation;
2. Based on instruments of ownership or voting securities, owning of record in excess of fifty (50) percent of an entity; or

3. Having any other relationship that gives one (1) person authority directly or indirectly to determine the manner in which an applicant, an operator, or other entity conducts surface coal mining operations.

(b) The following relationships are presumed to constitute ownership or control unless a person can demonstrate that the person subject to the presumption does not in fact have the authority directly or indirectly to determine the manner in which the relevant surface coal mining operation is conducted:

1. Being an officer or director of an entity;
2. Being the operator of a surface coal mining operation;
3. Having the ability to commit the financial or real property assets or working resources of an entity;
4. Being a general partner in a partnership;
5. Based on the instruments of ownership or the voting securities of a corporate entity, owning of record ten (10) through fifty (50) percent of the entity; or

6. Owning or controlling coal to be mined by another person under a lease, sublease, or other contract and having the right to receive the coal after mining or having authority to determine the manner in which that person or another person conducts a surface coal mining operation.

(29) "Performance bond" means a surety bond, a collateral bond, or a combination thereof, or bonds filed pursuant to the provisions of the Kentucky Bond Pool Program (405 KAR 10:200, KRS 350.595, and KRS 350.700 through 350.755), by which a permittee assures faithful performance of all the requirements of KRS Chapter 350, 405 KAR Chapters 7 through 24, and the requirements of the permit and reclamation plan.

(30) "Permit" means written approval issued by the cabinet to conduct surface coal mining and reclamation operations.

(31) "Permit area" means the area of land and water within boundaries designated in the approved permit application, which shall include, at a minimum, all areas which are or will be affected by surface coal mining and reclamation operations under that permit.

(32) "Permittee" means an operator or a person holding or required by KRS Chapter 350 or 405 KAR Chapters 7 through 24 to hold a permit to conduct surface coal mining and reclamation operations during the permit term and until all reclamation obligations imposed by KRS Chapter 350 and 405 KAR Chapters 7 through 24 are satisfied.

(33) "Person" is defined in KRS 350.010 and 446.010(26).

(34) "Person having an interest which is or may be adversely affected" or "person with a valid legal interest" shall include any person:

(a) Who uses any resource of economic, recreational, aesthetic, or environmental value that may be adversely affected by coal exploration or surface coal mining and reclamation operations, or by any related action of the cabinet; or

(b) Whose property is or may be adversely affected by coal exploration or surface coal mining and reclamation operations, or by any related action of the cabinet.

(35) "Prime farmland" means those lands which are defined by the Secretary of Agriculture in 7 CFR 657 and which have been "historically used for cropland" as that phrase is defined above.

(36) "Reclamation" is defined in KRS 350.010.

(37) "Secretary" is defined in KRS 350.010.

(38) "SMCRA" means Surface Mining Control and Reclamation Act of 1977 (Public Law 95-87), as amended.

(39) "Surety bond" means an indemnity agreement in a sum certain, payable to the cabinet and executed by the permittee, which is supported by the performance guarantee of a corporation licensed to do business as a surety in the Commonwealth of Kentucky.

(40) "Surface coal mining and reclamation operations" is defined in KRS 350.010.

(41) "Surface coal mining operations" is defined in KRS 350.010.

(42) "Suspended solids" or nonfilterable residue, expressed as milligrams per liter, means organic or inorganic materials carried or held in suspension in water which are retained by a standard glass fiber filter in the procedure outlined by the U.S. EPA's regulations for waste water and analyses (40 CFR 136).

(43) "Ton" means 2000 pounds avoirdupois (.90718 metric ton).

(44) "Topsoil" means the A and E soil horizon layers of the four (4) master soil horizons.

(45) "U.S. EPA" means United States Environmental Protection Agency.

(46) "Willfully" and "willful violation" mean that a person acted either intentionally, voluntarily, or consciously, and with intentional disregard or plain indifference to legal requirements, in authorizing, ordering, or carrying out an act or omission that constituted a violation of SMCRA, KRS Chapter 350, 405 KAR Chapters 7 through 24, or a permit condition, or that constituted a failure or refusal to comply with an order issued pursuant to SMCRA, KRS Chapter 350, or 405 KAR Chapters 7 through 24.

PHILLIP J. SHEPHERD, Secretary
JUDITH A. VILLINES, Commissioner

APPROVED BY AGENCY: July 14, 1992

FILED WITH LRC: July 15, 1992 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 27, 1992, at 9 a.m. at Hudson Hollow Office Park, #2 Hudson Hollow, Frankfort, Kentucky in Room D-16. Persons interested in being heard at this hearing shall notify this agency in writing by August 22, 1992, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. To assure an accurate record, the cabinet requests that each person testifying at the hearing provide the cabinet with a written copy of his or her testimony. No transcript of recording will automatically be taken of the hearing unless a written request for a transcript of recording is made, in which case the person making the request shall have the responsibility of paying for same. Written comments on the proposed amendment may be submitted at any time before 4:30 p.m. on August 27, 1992. Comments received after that time will not be considered. Written notification of intent to be heard at the public hearing and written comments must be submitted to the following contact person: Judith A. Villines, Department of Law, Fifth Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith A. Villines

(1) Type and number of entities affected: This regulation amends 405 KAR 10:001 by amending the definition of "person" to include the definition of person under KRS 446.010 which includes inter alia governmental bodies. The regulation therefore has an indirect effect on state, county and local governments. As such, the regulation will indirectly pertain to any person interested in or adversely affected by a determination or enforcement action initiated by the cabinet and also has an indirect impact on all active and inactive surface mining permits of which there are approximately 3,800.

(a) Direct and indirect costs or savings to those affected:

1. First year: None. This regulation, which is definitional in nature, should not have any fiscal impact.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None. This regulation, which is definitional in nature, should not have any fiscal impact on the cabinet.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were considered.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Tiering is not applicable to this proposed amendment because, under the federal and Kentucky surface mining laws and regulations, these requirements must apply equally to all entities.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 30 USC 1253, 1255, 1291. 7 CFR Part 657, 30 CFR Parts 700.5, 701.5, 707.5, 730, 731, 732, 733, 735, 761.5, 762.5, 773.5, 800.5, 843.5, 917, 40 CFR Part 136.

2. State compliance standards. This regulation defines terms used in 405 KAR Chapter 10 and amends 405 KAR 10:001 by amending the definition of "person" to include the definition of person under KRS 446.010 which includes inter alia governmental bodies.

3. Minimum or uniform standards contained in the federal mandate. The federal regulations provide definitions of "person" as set forth in the federal surface mining regulations is substantially the same or similar to the definition proposed in the state regulation.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Not applicable.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET Department for Surface Mining Reclamation and Enforcement (Proposed Amendment)

405 KAR 12:001. Definitions for 405 KAR Chapter 12.

RELATES TO: KRS Chapter 350, 30 CFR Parts 700.5, 701.5, 707.5, 730-733, 735, 761.5, 762.5, 773.5, 800.5, 843.5, 917, 30 USC 1253, 1255, 1291

STATUTORY AUTHORITY: KRS Chapter 13A, 350.028, 350.465, 30 CFR Parts 700.5, 701.5, 707.5, 730-733, 735, 761.5, 762.5, 773.5, 800.5, 843.5, 917, 30 USC 1253, 1255, 1291

NECESSITY AND FUNCTION: KRS Chapter 350 in pertinent part requires the cabinet to promulgate rules and regulations pertaining to surface coal mining and reclamation operations under the permanent regulatory program. This regulation provides for the defining of certain essential terms used in 405 KAR Chapter 12.

Section 1. Definitions. (1) "Adjacent area" means land located outside the affected area or permit area, depending on the context in which "adjacent area" is used, where air, surface or groundwater, fish, wildlife, vegetation or other resources protected by KRS Chapter 350 may be adversely impacted by surface coal mining and reclamation operations.

(2) "Affected area" means any land or water area which is used to facilitate, or is physically altered by, surface coal mining and reclamation operations. The affected area includes the disturbed area; any area upon which surface coal mining and reclamation operations are conducted; any adjacent lands the use of which is incidental to surface coal mining and reclamation operations; all areas covered by new or existing roads used to gain access to, or for hauling coal to or from, surface coal mining and reclamation operations, except as

provided in this definition; any area covered by surface excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, shipping areas; any areas upon which are sited structures, facilities, or other property or material on the surface resulting from, or incident to, surface coal mining and reclamation operations; and the area located above underground workings associated with underground mining activities, auger mining, or in situ mining. The affected area shall include every road used for the purposes of access to, or for hauling coal to or from, surface coal mining and reclamation operations, unless the road:

(a) Was designated as a public road pursuant to the laws of the jurisdiction in which it is located;

(b) Is maintained with public funds, and constructed in a manner similar to other public roads of the same classification within the jurisdiction; and

(c) There is substantial (more than incidental) public use.

(3) "Application" means the documents and other information filed with the cabinet seeking issuance of permits; revisions; amendments; renewals; and transfer, assignment or sale of permit rights for surface coal mining and reclamation operations or, if required, seeking approval for coal exploration.

(4) "Cabinet" is defined in KRS 350.010.

(5) "CFR" means Code of Federal Regulations.

(6) "Coal" means combustible carbonaceous rock, classified as anthracite, bituminous, subbituminous, or lignite by ASTM Standard D 388-77.

(7) "Coal exploration" means the field gathering of:

(a) Surface or subsurface geologic, physical, or chemical data by mapping, trenching, drilling, geophysical, or other techniques necessary to determine the quality and quantity of overburden and coal of an area; or

(b) Environmental data to establish the conditions of an area before beginning surface coal mining and reclamation operations under the requirements of 405 KAR Chapters 7 through 24 if the activity may cause any disturbance of the land surface or may cause any appreciable effect upon land, air, water, or other environmental resources.

(8) "Day" means calendar day unless otherwise specified to be a working day.

(9) "Department" means the Department for Surface Mining Reclamation and Enforcement.

(10) "Disturbed area" means an area where vegetation, topsoil, or overburden is removed or upon which topsoil, spoil, coal processing waste, underground development waste, or noncoal waste is placed by surface coal mining operations. Those areas are classified as "disturbed" until reclamation is complete and the performance bond or other assurance of performance required by 405 KAR Chapter 10 is released.

(11) "Imminent danger to the health and safety of the public" means the existence of any condition or practice, or any violation of a permit or other requirements of KRS Chapter 350 in a surface coal mining and reclamation operation, which could reasonably be expected to cause substantial physical harm to persons outside the permit area before the condition, practice, or violation can be abated. A reasonable expectation of death or serious injury before abatement exists if a rational person, subjected to the same condition or practice giving rise to the peril, would avoid exposure to the danger during the time necessary for abatement.

(12) "KAR" means Kentucky administrative regulations.

(13) "Monitoring" means the collection of environmental data by either continuous or periodic sampling methods.

(14) "Notice of noncompliance and order for remedial measures" means a written document and order prepared by an authorized representative of the cabinet which sets forth with specificity the violations of KRS Chapter 350, 405 KAR Chapters 7 through 24, or permit conditions which the authorized representative of the cabinet determines to have occurred based upon his inspection, and the necessary remedial actions, if any, and the time schedule for completion thereof, which the authorized representative deems

necessary and appropriate to correct the violations.

(15) "Operations" is defined in KRS 350.010.

(16) "Operator" is defined in KRS 350.010.

(17) "Order for cessation and immediate compliance" means a written document and order issued by an authorized representative of the cabinet when:

(a) A person to whom a notice of noncompliance and order for remedial measures was issued has failed, as determined by a cabinet inspection, to comply with the terms of the notice of noncompliance and order for remedial measures within the time limits set therein, or as subsequently extended; or

(b) The authorized representative finds, on the basis of a cabinet inspection, any condition or practice or any violation of KRS Chapter 350, 405 KAR Chapters 7 through 24, or any condition of a permit or exploration approval which:

1. Creates an imminent danger to the health or safety of the public; or

2. Is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air or water resources.

(18) "Performance bond" means a surety bond, a collateral bond, or a combination thereof, or bonds filed pursuant to the provisions of the Kentucky Bond Pool Program (405 KAR 10:200, KRS 350.595, and KRS 350.700 through 350.755), by which a permittee assures faithful performance of all the requirements of KRS Chapter 350, 405 KAR Chapters 7 through 24, and the requirements of the permit and reclamation plan.

(19) "Permit" means written approval issued by the cabinet to conduct surface coal mining and reclamation operations.

(20) "Permit area" means the area of land and water within boundaries designated in the approved permit application, which shall include, at a minimum, all areas which are or will be affected by surface coal mining and reclamation operations under that permit.

(21) "Permittee" means an operator or a person holding or required by KRS Chapter 350 or 405 KAR Chapters 7 through 24 to hold a permit to conduct surface coal mining and reclamation operations during the permit term and until all reclamation obligations imposed by KRS Chapter 350 and 405 KAR Chapters 7 through 24 are satisfied.

(22) "Person" is defined in KRS 350.010 and 446.010(26).

(23) "Person having an interest which is or may be adversely affected" or "person with a valid legal interest" shall include any person:

(a) Who uses any resource of economic, recreational, aesthetic, or environmental value that may be adversely affected by coal exploration or surface coal mining and reclamation operations, or by any related action of the cabinet; or

(b) Whose property is or may be adversely affected by coal exploration or surface coal mining and reclamation operations, or by any related action of the cabinet.

(24) "Reclamation" is defined in KRS 350.010.

(25) "Secretary" is defined in KRS 350.010.

(26) "Significant, imminent environmental harm" means an adverse impact on land, air, or water resources which resources include, but are not limited to, plant and animal life as further defined in this subsection.

(a) An environmental harm is imminent, if a condition, practice, or violation exists which:

1. Is causing environmental harm; or

2. May reasonably be expected to cause environmental harm at any time before the end of the reasonable abatement time that would be set by the cabinet's authorized agents pursuant to the provisions of KRS Chapter 350.

(b) An environmental harm is significant if that harm is appreciable and not immediately reparable.

(27) "Surface coal mining and reclamation operations" is defined in KRS 350.010.

(28) "Surface coal mining operations" is defined in KRS 350.010.

PHILLIP J. SHEPHERD, Secretary
JUDITH A. VILLINES, Commissioner

APPROVED BY AGENCY: July 14, 1992

FILED WITH LRC: July 15, 1992 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 27, 1992, at 9 a.m. at Hudson Hollow Office Park, #2 Hudson Hollow, Frankfort, Kentucky in Room D-16. Persons interested in being heard at this hearing shall notify this agency in writing by August 22, 1992, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. To assure an accurate record, the cabinet requests that each person testifying at the hearing provide the cabinet with a written copy of his or her testimony. No transcript of recording will automatically be taken of the hearing unless a written request for a transcript of recording is made, in which case the person making the request shall have the responsibility of paying for same. Written comments on the proposed amendment may be submitted at any time before 4:30 p.m. on August 27, 1992. Comments received after that time will not be considered. Written notification of intent to be heard at the public hearing and written comments must be submitted to the following contact person: Judith A. Villines, Department of Law, Fifth Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith A. Villines

(1) Type and number of entities affected: This regulation amends 405 KAR 12:001 by amending the definition of "person" to include the definition of person under KRS 446.010 which includes inter alia governmental bodies. The regulation therefore has an indirect effect on state, county and local governments. As such, the regulation will indirectly pertain to any person interested in or adversely affected by a determination or enforcement action initiated by the cabinet and also has an indirect impact on all active and inactive surface mining permits of which there are approximately 3,800.

(a) Direct and indirect costs or savings to those affected:

1. First year: None. This regulation, which is definitional in nature, should not have any fiscal impact.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None. This regulation, which is definitional in nature, should not have any fiscal impact on the cabinet.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues:

None

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were considered.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Tiering is not applicable to this proposed amendment because, under the federal and Kentucky surface mining laws and regulations, these requirements must apply equally to all entities.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 30 USC 1253, 1255, 1291. 7 CFR Part 657, 30 CFR Parts 700.5, 701.5, 707.5, 730, 731, 732, 733, 735, 761.5, 762.5, 773.5, 800.5, 843.5, 917.

2. State compliance standards. This regulation defines terms used

in 405 KAR Chapter 12 and amends 405 KAR 12:001 by amending the definition of "person" to include the definition of person under KRS 446.010 which includes inter alia governmental bodies.

3. Minimum or uniform standards contained in the federal mandate. The federal regulations provide definitions of "person" as set forth in the federal surface mining regulations is substantially the same or similar to the definition proposed in the state regulation.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Not applicable.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET Department for Surface Mining Reclamation and Enforcement (Proposed Amendment)

405 KAR 12:020. Enforcement.

RELATES TO: KRS 350.020, 350.028, 350.050, 350.085, 350.113, 350.130, 350.151, 350.465, 350.990, 30 CFR Parts 730-733, 735, 840.13-.14, 840.16, 843, 30 USC 1253, 1255, 1271

STATUTORY AUTHORITY: KRS Chapter 13A, 350.020, 350.028, 350.050, 350.130, 350.465, 30 CFR Parts 730-733, 735, 840.13-.14, 840.16, 843, 30 USC 1253, 1255, 1271

NECESSITY AND FUNCTION: KRS Chapter 350 in pertinent part directs the cabinet to rigidly enforce administrative regulations promulgated to control the injurious effects of surface coal mining and reclamation operations. This administrative regulation sets forth various kinds of notices and orders to be issued by authorized representatives of the cabinet. The administrative regulation directs that there be issued a notice of noncompliance and order for remedial measures. The administrative regulation requires that an order for cessation and immediate compliance be issued for failure to abate a violation during a specified abatement period or for situations of imminent harm. The administrative regulation sets forth the general form of the notices and orders and authority to vacate, modify, or terminate the [such] orders or notices. This administrative regulation sets forth procedures for an informal hearing. The administrative regulation sets forth requirements if a permit is suspended or revoked [procedures for suspension or revocation of a permit] and procedures for a determination of [whether] a pattern of violations [exists]. This administrative regulation contains a portion of 405 KAR 7:090 which has been repealed.

Section 1. General. (1) The secretary of the cabinet may from time to time or for a definite period designate, by written order or by other means appropriate under the circumstances, authorized representatives to perform duties pursuant to the regulations contained in Title 405, Chapters 7 through 24.

(2) ~~Subject to [Unless otherwise provided to the contrary in] Title 405, Chapters 7 through 24 or unless the secretary has made a written order contrary to the terms of this subsection, personnel authorized by the commissioner of the department [of Surface Mining Reclamation and Enforcement] are deemed the authorized representatives of the cabinet for the purposes of Sections 2, 3, and 4 of this regulation.~~

Section 2. Notice of Noncompliance and Order for Remedial Measures. (1) Issuance. An authorized representative of the cabinet shall issue a notice of noncompliance and order for remedial measures if, on the basis of inspection, he [or she] finds a violation of KRS Chapter 350; Title 405, Chapters 7 through 24; any term or condition of a permit; any term or condition of approval (for coal exploration and reclamation operations requiring cabinet approval); or any other applicable requirement.

(2) Form and content. A notice of noncompliance and order for remedial measures issued pursuant to this section shall be in writing

and shall be signed by the authorized representative of the cabinet who issued it. The notice shall set forth with reasonable specificity:

- (a) The nature of the violation;
- (b) The remedial action required, if any, which may include accomplishment of interim steps if appropriate;
- (c) A reasonable time for remedial action, if any, which may include time for accomplishment of interim steps if appropriate; and
- (d) A reasonable description of the portions of the surface coal mining and reclamation operations or coal exploration and reclamation operations to which the notice applies.

(3) Service. Service of a notice of noncompliance and order for remedial measures shall be in the manner set forth in Section 5 of this regulation.

(4) Extension. An authorized representative of the cabinet may, by written notice, extend the time set for remedial action or for accomplishment of an interim step, if the failure to meet the time previously set was not caused by lack of diligence on the part of the person to whom the notice of noncompliance and order for remedial measures was issued.

(a) The total time for remedial action under the [such] notice, including all extensions, shall not exceed ninety (90) days from the date of issuance of the notice except upon a showing by the permittee or the person conducting the coal exploration and reclamation operations that it is not feasible to abate the violation within ninety (90) calendar days due to one (1) or more of the circumstances set forth in paragraph (b) of this subsection. An abatement period exceeding ninety (90) days pursuant to this subsection shall not be granted for situations in which the permittee's failure or the failure of the person conducting the coal exploration and reclamation operations to abate within ninety (90) days has been caused by a lack of diligence or intentional delay by the permittee or the person conducting the coal exploration and reclamation operations in completing the remedial action required.

(b) The following circumstances [which] may qualify surface coal mining and reclamation operations or coal exploration and reclamation operations for an abatement period of more than ninety (90) days [are situations in which]:

1. The permittee of the ongoing surface coal mining and reclamation operations or the person conducting the coal exploration and reclamation operations has timely applied for and diligently pursued a permit renewal or other necessary approval of designs or plans, but the [such] permit or approval, for reasons not within the control of the permittee or the person conducting the coal exploration and reclamation operations, has not been and will not be issued prior to ninety (90) days after the valid permit or approval expires or is required;

2. There is a valid judicial order precluding abatement within ninety (90) days to which the permittee or the person conducting the coal exploration and reclamation operations has diligently pursued all rights of appeal and to which he [or she] has no other effective legal remedy;

3. The permittee or the person conducting the coal exploration and reclamation operations cannot abate within ninety (90) days due to a labor strike; or

4. Weather conditions preclude abatement within ninety (90) days; due to weather conditions abatement within ninety (90) days would clearly cause more environmental harm than it would prevent; or abatement within ninety (90) days requires action that would violate safety standards established by statute or regulation under the Mine Safety and Health Act.

(c) If [Whenever] an abatement period in excess of ninety (90) days is approved by the cabinet, interim abatement measures shall be imposed to the extent necessary to minimize harm to the public and the environment.

(d) If any of the conditions in paragraph (b) of this subsection exist, the permittee or the person conducting the coal exploration and reclamation operations may request the authorized representative of the cabinet to grant an abatement period exceeding ninety (90) days. The authorized representative of the cabinet shall not grant such an abatement period without the approval of the Director of the Division of Field Services or his [or her] designee, and the abatement period granted shall not exceed the shortest possible time necessary to

abate the violation. The permittee or the person conducting the coal exploration and reclamation operations shall have the burden of establishing by clear and convincing proof that he [or she] is entitled to an extension under the provisions of this subsection. In determining whether or not to grant an abatement period exceeding ninety (90) days, the authorized representative of the cabinet may consider [any] relevant written or oral information from the permittee, the person conducting the coal exploration and reclamation operations, and [any] other sources. The authorized representative of the cabinet shall promptly and fully document in the applicable file his [or her] recommendation for granting or denying the request and the reasons therefor. The authorized representative's immediate supervisor shall review this document before approving or disapproving the extended abatement period and shall promptly and fully document the reasons for his [or her] approval or disapproval in the applicable file.

(e) A [Any] determination made under paragraph (d) of this subsection shall be in writing and shall be subject to administrative and judicial review pursuant to 405 KAR 7:092 [7:090].

(f) No extension granted under this subsection may exceed ninety (90) days in length. In situations in which the condition or circumstance that prevented abatement within ninety (90) days exists at the expiration of the extension, the permittee or the person conducting the coal exploration and reclamation operations may request a further extension in accordance with the procedures of this subsection.

(5) Modification. An authorized representative of the cabinet may, by written notice, modify an order for remedial measures for good cause.

(6) Termination. An authorized representative of the cabinet shall, by issuance of a notice of inspection of noncompliance, provide written notice to the person to whom a notice of noncompliance and order for remedial measures has been issued that the [such] notice is terminated when the authorized representative of the cabinet determines that all violations listed therein have been corrected. The [Such] termination shall not affect the right of the cabinet to assess civil penalties for those violations pursuant to 405 KAR 7:092 [7:090] or to impose [any] other applicable sanctions as authorized by law.

(7) Vacation. Based upon the written recommendation of the regional administrator and the authorized representative of the cabinet who issued the notice of noncompliance and order for remedial measures, the Director of the Division of Field Services may vacate a notice of noncompliance and order for remedial measures determined to have been issued in error.

Section 3. Order for Cessation and Immediate Compliance. (1) Issuance.

(a) If the person to whom a notice of noncompliance and order for remedial measures has been issued fails to comply with the terms of the [such] notice within the time for remedial action established in the notice [therein] or as subsequently extended, an authorized representative of the cabinet shall immediately issue to the person an order for cessation and immediate compliance.

(b) An authorized representative of the cabinet shall immediately issue an order for cessation and immediate compliance if he [or she] finds, on the basis of an inspection, any condition or practice; any violation of KRS Chapter 350; any violation of Title 405, Chapters 7 through 24; or any violation of a term or condition of the applicable permit or exploration approval which:

1. Creates an imminent danger to the health or safety of the public; or

2. Is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.

(c) An authorized representative of the cabinet shall immediately issue an order for a cessation and immediate compliance if he [or she] finds, on the basis of an inspection, that surface coal mining and reclamation operations are being conducted by a person without a valid surface coal mining and reclamation operations permit for the activities or that coal exploration and reclamation operations are being conducted without proper notice of intention to explore or approval for the [such] operations, as applicable, in accordance with 405 KAR 8:020.

(2) Form and content.

(a) An order for cessation and immediate compliance shall be in writing and shall be signed by the authorized representative of the cabinet who issued it. The order shall set forth with reasonable specificity:

1. The nature of the violation;
2. A reasonable description of the portions of the operations in which it applies;
3. The remedial measures, if any, necessary to abate the violation in the most expeditious manner possible; and
4. The time established for abatement, if appropriate, including the time for complying with any interim steps.

(b) At the same time that the authorized representative of the cabinet issues an order for cessation and immediate compliance pursuant to subsection (1)(b) or (c) of this section, he [or she] shall also issue a notice of noncompliance and order for remedial measures.

(3) Service. Service of an order for cessation and immediate compliance shall be in the manner set forth in Section 5 of this administrative regulation.

(4) Effect.

(a) The order for cessation and immediate compliance shall require the cessation of all surface coal mining and reclamation operations, all coal exploration and reclamation operations, or the portions or operations thereof relevant to the condition, practice, or violation covered by the order. The order shall require the person to whom it is issued to take any affirmative steps which the authorized representative of the cabinet deems necessary to abate the condition, practice, or violation in the most expeditious manner possible. The order may require the use of existing or additional personnel and equipment.

(b) The order shall remain in effect until the condition, practice, or violation has been abated; until the order is vacated, modified, or terminated in writing pursuant to subsection (5) of this section; until it is vacated, modified, or terminated by a hearing officer pursuant to 405 KAR 7:092 [7:099]; or until the order expires pursuant to Section 6 of this regulation.

(c) Reclamation operations and other activities intended to protect public health and safety and the environment shall continue during the period of any order unless [otherwise provided in] the order states that the reclamation operations and other activities shall cease.

(5) Modification, extension, vacation, and termination.

(a) An authorized representative of the cabinet may, by written notice, modify or terminate an order for cessation and immediate compliance issued under [pursuant to] this section for good cause and may extend the time for abatement if the failure to abate within the time previously set was not caused by lack of diligence on the part of the person to whom it was issued.

(b) The secretary or his [or her] authorized representative shall terminate an order for cessation and immediate compliance, by written notice to the person to whom the order was issued, when he [or she] determines that all conditions, practices, and violations listed in the order have been abated. Termination shall not affect the right of the cabinet to assess civil penalties for those violations under 405 KAR 7:092 [7:099] or to impose any other applicable sanctions as authorized by law.

(c) Based upon the written recommendations of the regional administrator and the authorized representative of the cabinet who issued the order for cessation and immediate compliance, the Director of the Division of Field Services may vacate an order for cessation and immediate compliance determined to have been issued in error.

(6) Within sixty (60) days after issuing an order for cessation and immediate compliance, the cabinet shall notify in writing a [any] person who has been identified under 405 KAR 8:010, Section 18(5) and either 405 KAR 8:030, Section 2(3) and (4) or 405 KAR 8:040, Section 2(3) and (4) as owning or controlling the permittee, that the cessation order was issued and that the person has been identified as an owner or controller.

Section 4. Notice of Inspection and Noncompliance. (1) Issuance. If an authorized representative of the cabinet issues a notice of noncompliance and order for remedial measures or an order for

cessation and immediate compliance, he [or she] shall reinspect the areas affected by the surface coal mining and reclamation operations or the coal exploration and reclamation operations on or soon after the date given in the notice or order for completion of remedial measures. At the time of reinspection, the authorized representative of the cabinet shall issue a notice of inspection of noncompliance.

(2) Form and content. The notice of inspection of noncompliance shall set forth whether:

(a) The remedial measures have been completed, and the notice or order is therefore terminated;

(b) The remedial measures have not been completed, but the notice or order is modified or extended for good cause; or

(c) The remedial measures have not been completed. Following such a determination, the cabinet shall:

1. For the situations in which the inspection was a reinspection of a notice of noncompliance and order for remedial measures, issue a notice of noncompliance and immediate compliance; and

2. For situations in which the inspection was a reinspection of an order for cessation and immediate compliance and if the order for cessation and immediate compliance has not been abated [following the preliminary hearing], initiate an administrative [a formal] hearing for suspension or revocation of the permit or approval, initiate an administrative [a formal] hearing for bond forfeiture, or initiate administrative hearings [proceedings] for other appropriate relief.

(3) Service. Service of a notice of inspection for noncompliance shall be in the manner set forth in Section 5 of this regulation.

Section 5. Service of Notices and Orders. (1) A [Any] notice of noncompliance and order for remedial measures, order for cessation and immediate compliance, or notice of inspection of noncompliance shall be served on the person to whom it is issued or the person's designated agent [promptly after issuance].

(2) Each notice of noncompliance and order for remedial measures, order for cessation and immediate compliance, and notice of inspection of noncompliance shall be served by hand, by certified mail (return receipt requested), or by registered mail to the person to whom the notice or order has been issued or to his [or her] designated agent for service. The notice or order shall also be served by hand to the individual who, based upon reasonable inquiry by the authorized representative, appears to be in charge at the site of the surface coal mining and reclamation operations or coal exploration and reclamation operations referred to in the notice or order. If no such individual can be located at the site, a copy of the notice or order may be tendered to an [any] individual at the site who appears to be an employee or agent of the person to whom the notice or order has been issued. Service, whether by hand or by mail, shall be complete upon tender of the notice or order and shall not be deemed incomplete because of refusal to accept. For surface coal mining and reclamation operations, service by mail shall be addressed to the designated agent for service; to the permanent address of the permittee as identified on the permit or in the application; or, if no address is identified for the permittee in the application, to any [such] other address as is known to the cabinet. For coal exploration and reclamation operations, service by mail shall be addressed to the designated agent for service; to the permanent address of the person conducting the coal exploration and reclamation operations as identified in the notice of intention to explore or in the application for coal exploration and reclamation approval submitted pursuant to 405 KAR 8:020; or, if no address is identified for the person conducting the coal exploration and reclamation operations in the notice or the application submitted pursuant to 405 KAR 8:020, to any [such] other address as is known to the cabinet. If no person is present at the site of the surface coal mining and reclamation operations or the coal exploration and reclamation operations, service by mail shall by itself be sufficient notice.

(3) Designation by a [any] person of an agent for service of notices and orders issued pursuant to this administrative regulation and notices of hearing issued pursuant to 405 KAR 7:092 [7:099] shall be made a part of the applicable permit application, notice of intention to explore, or application for coal exploration and reclamation approval. The [Such] person shall continue as agent for service

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of process until ~~[such time as]~~ written revision of the permit, a notice of intention to explore, or coal exploration and reclamation approval is made which designates another person as agent.

(4) The cabinet may furnish copies of notices and orders to a ~~[any]~~ person having an interest which is or may be adversely affected by the coal exploration and reclamation operations or by the surface coal mining and reclamation operations and a ~~[any]~~ person having an interest in the permit or exploration area.

Section 6. Expiration. (1) Except as provided in subsection (2) of this section, if ~~[When]~~ a notice of noncompliance and order for remedial measures or an order for cessation and immediate compliance requires cessation of coal removal expressly or by implication, the ~~[such]~~ notice or order shall expire thirty (30) days after it is served unless an informal ~~[a]~~ hearing ~~[pursuant to 405 KAR 7:090]~~ is held at or near the mine site or the exploration site within that time except that ~~[such]~~ notices or ~~[and]~~ orders shall not expire if the condition, practice, or violation in question has been abated or if the person to whom the notice or order has been issued has waived the informal ~~[preliminary]~~ hearing or has agreed to its postponement. Expiration of the notice or order shall not affect the rights of the cabinet to assess appropriate penalties and to impose applicable sanctions with respect to the time period during which the notice or order was in effect for the violations for which the notice or order was issued. The granting or waiver of an informal public hearing shall not affect the right of a person to an administrative hearing.

(2)(a) The informal public hearing will be deemed waived if the person to whom the notice or order was issued is informed by written notice served in the manner provided in paragraph (b) of this subsection that he will be deemed to have waived an informal public hearing unless the hearing is requested within thirty (30) days after service of the notice, and an informal public hearing is not requested within that time.

(b) The written notice referred to in paragraph (a) of this subsection shall be delivered by an authorized representative or sent by certified mail, return receipt requested, no later than five (5) days after the notice or order is served.

(c) The person to whom the notice or order is issued shall be deemed to have consented to an extension of the time for holding the informal public hearing if the request is received on or after the 21st day after service of the notice or order. The extension of time shall be equal to the number of days elapsed after the 21st day.

(3)(a) The cabinet shall give as much advance notice as is practicable of the time, place, and subject matter of the informal public hearing to the person to whom the notice or order was issued, and a person who filed a report which led to the issuance of the notice or order.

(b) The cabinet shall also post notice of the informal public hearing at the department's regional office for the mine site and, if practicable, publish it in a newspaper of general circulation in the area of the mine.

(4) Requirements for administrative hearings shall not govern informal public hearings. An informal public hearing shall be conducted by a representative of the cabinet who may accept oral or written arguments and other relevant information from any person attending.

(5) Within five (5) days after the close of the informal public hearing, the cabinet shall affirm, modify, or vacate in writing the notice or order. The decision shall be sent to the person to whom the notice or order was issued, and any person who filed a report which led to the issuance of the notice or order.

(6) The person conducting the informal public hearing for the cabinet shall determine if the mine site shall be viewed during the informal public hearing. In making this determination the only consideration shall be whether viewing the mine site will assist the person conducting the informal public hearing in reviewing the appropriateness of the enforcement action or of the required remedial action.

Section 7. Suspension and Revocation of Permits and Exploration Approvals. (1) The cabinet may initiate administrative ~~[formal]~~ hearings for suspension or revocation of permits and coal exploration

and reclamation approvals, may initiate administrative ~~[formal]~~ hearings for bond forfeitures, and may initiate administrative ~~[formal]~~ hearings or judicial proceedings for other appropriate relief ~~[measures]~~.

(2) If the cabinet revokes or suspends the permit or exploration approval, surface coal mining operations on the permit area or disturbances on the exploration area shall immediately cease, and the permittee or person conducting coal exploration operations shall:

(a) If the permit or exploration approval is revoked, complete reclamation within the time specified in the order; or

(b) If the permit or exploration approval is suspended, complete all affirmative obligations to abate all conditions, practices, and violations as specified in the order.

Section 8. Pattern of Violations. (1) If the cabinet determines that a pattern of violations of the requirements of KRS Chapter 350, the administrative regulations, or a permit condition imposed under KRS Chapter 350 or administrative regulations exists or has existed and that the violations are caused by the unwarranted failure of the permittee or were willful violations, the cabinet shall issue an order to the permittee to show cause why the permit should not be suspended or revoked.

(2) The cabinet may determine that a pattern of violations exists or has existed, based on two (2) or more inspections of the permit area within any twelve (12) month period, after considering the circumstances, including:

(a) The number of violations, cited on more than one (1) occasion, of the same or related requirements of KRS Chapter 350; KAR Title 405, Chapters 7 through 24; or permit conditions;

(b) The number of violations, cited on more than one (1) occasion, of different requirements of KRS Chapter 350; KAR Title 405, Chapters 7 through 24; or permit conditions; and

(c) The extent to which the violations were isolated departures from lawful conduct.

(3) The cabinet shall promptly review the history of violations of a permittee who has been cited for violations of the same or related requirements of KRS Chapter 350; KAR Title 405, Chapters 7 through 24 or permit conditions during three (3) or more inspections of the permit area within any twelve (12) month period. If after the review the cabinet determines that a pattern of violations exists or has existed, the cabinet shall issue a show cause order pursuant to this section and 405 KAR 7:092, Section 10.

(4) In determining the number of violations within any twelve (12) month period, the cabinet shall only consider violations cited as a result of inspections carried out on or after May 3, 1978.

(5) If a permittee fails to abate a violation cited in a notice of noncompliance or cessation order within the abatement period set in the notice of order or as subsequently extended, the cabinet shall review the permittee's history of violations to determine whether a pattern of violations exists or has existed pursuant to this section and shall initiate a show cause order as provided in this section and 405 KAR 7:092, Section 10.

Section 9. ~~[8-]~~ Inability to Comply. (1) No notice or order issued pursuant to the administrative regulations of this Title may be vacated because of inability to comply.

(2) Inability to comply may not be considered in determining whether a pattern of violations exists.

(3) Rapid compliance, good faith, diligence, and inability to comply may be considered in mitigation of proposed penalty assessments under 405 KAR 7:092 ~~[7:090]~~.

PHILLIP J. SHEPHERD, Secretary

JUDITH A. VILLINES, Commissioner

APPROVED BY AGENCY: July 14, 1992

FILED WITH LRC: July 15, 1992 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 27, 1992, at 9 a.m. at Hudson Hollow Office Park, #2 Hudson Hollow, Frankfort, Kentucky in Room D-16. Persons interested in being heard at this hearing shall notify this agency in writing by August 22, 1992, five days prior to the

hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. To assure an accurate record, the cabinet requests that each person testifying at the hearing provide the cabinet with a written copy of his or her testimony. No transcript of recording will automatically be taken of the hearing unless a written request for a transcript of recording is made, in which case the person making the request shall have the responsibility of paying for same. Written comments on the proposed amendment may be submitted at any time before 4:30 p.m. on August 27, 1992. Comments received after that time will not be considered. Written notification of intent to be heard at the public hearing and written comments must be submitted to the following contact person: Judith A. Villines, Department of Law, Fifth Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact: Judith A. Villines

(1) Type and number of entities affected: This regulation, which is an amendment of 405 KAR 12:020, sets forth procedures for informal hearings where an immediate cessation of coal mining operations is directed by the Natural Resources and Environmental Protection Cabinet hereinafter "Cabinet". This amended regulation also pertains to the suspension or revocation of surface mining and reclamation operations and provides for criteria under which a determination can be made that a surface mining and reclamation operation should be suspended or revoked for a pattern of violations, subject to an administrative hearing as provided under 405 KAR 7:092. The remaining changes appearing in this amended regulation are technical in nature and do not have any substantive impact. This amended regulation will have a potential impact on all active surface mining and reclamation permits which are determined to be not in compliance with the Surface Mining Act or regulations. This amended regulation also has an indirect impact on any person that has an interest in such operations or may be adversely impacted by the application of this regulation. Given the broad and potential applicability of this regulation, it is impossible to provide an accurate figure of how many permits or persons may be affected by this regulation. It is useful to note that there are approximately 3,800 surface mining and reclamation permits in the Commonwealth of Kentucky. It is also important to point out that the majority of the permits are in compliance with the regulatory program and should not be affected by this regulation.

(a) Direct and indirect costs or savings to those affected:

1. First year: As noted above, the regulation prescribes procedures for informal hearings and also pertains to the criteria for pattern of violation determinations. The informal hearing process replaces in part the preliminary hearing regulation, (405 KAR 7:090 Section 4) by which such "stop coal" determinations were previously resolved. The criteria for pattern of violations determination originally appeared in 405 KAR 7:090 Section 5 and for technical reasons is now being transferred to this amended regulation. The 405 KAR 7:090 provisions are repealed in 405 KAR 7:091. Administrative hearings on both stop coal and pattern of violation cases will now be heard under 405 KAR 7:092. In short the amended regulation does not impose any new reduced or additional burden on the regulated community and therefore, should not have any substantive fiscal impact. Any potential costs resulting from this amended regulation should remain the same.

2. Continuing costs or savings: As noted above, there is not any substantive impact resulting from this amended regulation. Any continuing potential costs resulting from this amended regulation should remain the same.

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: Any reporting and paperwork requirements previously imposed under 405 KAR 7:090 will remain the same under this amended regulation, except that the affected entity would be required to file an administrative petition to contest a show cause order resulting from an initial determination of

a pattern of violations. In addition, the affected entity would be required to request in writing an informal hearing to protest an order mandating the cessation of coal removal activities.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Since as noted in part 1, this amendment incorporates provisions already in existence, the cabinet does not expect to incur any additional costs or savings from this amendment.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None.

(b) Reporting and paperwork requirements: The cabinet will be obligated to file with the Office of Administrative Hearings, a copy of the show cause order pertaining to a pattern of violations.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were considered.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping or duplication: None.

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(6) Any additional information or comments: None.

TIERING: Was tiering applied? No. Tiering is not applicable to this proposed amendment because, under the federal and Kentucky surface mining laws and regulations, these requirements must apply equally to all entities.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 30 USC 1253, 1255; 30 CFR Parts 730, 731, 732, 733, 735, 840.13-14, 840.16, 843.

2. State compliance standards. This administrative regulation is an amendment of 405 KAR 12:020 and sets forth procedures for informal hearings where an immediate cessation of coal mining operations is directed by the Natural Resources and Environmental Protection Cabinet hereinafter "cabinet". This amended regulation also pertains to the suspension or revocation of surface mining and reclamation operations and provides for criteria under which a determination can be made that a surface mining and reclamation operation should be suspended or revoked for a pattern of violations, subject to an administrative hearing as provided under 405 KAR 7:092. The remaining changes appearing in this amended regulation are technical in nature and do not have any substantive impact. This administrative regulation will be applicable in conjunction with other regulations to any determination that a surface mining operation should cease coal removal activities or that such an operation should be suspended or revoked pursuant to a determination that a pattern of violations exists or has existed.

3. Minimum or uniform standards contained in the federal mandate. The federal Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 USC 1201 et seq. establishes the basis whereby state and federal authorities regulate surface mining. Title 5 of SMCRA contains the provisions whereby determinations can be made that a surface mining and reclamation operation must immediately cease coal removal or that a surface mining and reclamation permit should be suspended or revoked due to a pattern of violations. Federal law and regulations can require the state to have in place procedures whereby persons aggrieved by an action of the regulatory authority may challenge that action through an adjudicative process. Kentucky's implementation of these federal provisions will be achieved under this new regulation. The controlling standard is that the state enforcement program "primacy" must be as effective as the federal surface mining program, 30 USC 1253, 1255. This federal mandate, however, does not prescribe specific procedural standards other than it requires that a process be in place by which persons having an interest that may be adversely affected may be heard at any significant part of the administrative and judicial process. As part of its primacy program the state must have "stop coal removal" and pattern of violations standards that are as effective as the federal

provisions.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No. As noted above, the regulation prescribes procedures for informal hearings and also pertains to the criteria for pattern of violation determinations. The informal hearing process replaces in part the preliminary hearing regulation, (405 KAR 7:090 Section 4) by which such "stop coal" determinations were previously resolved. The criteria for pattern of violations determinations originally appeared in 405 KAR 7:090 Section 5 and for technical reasons is now being transferred to this amended regulation. The 405 KAR 7:090 provisions are repealed in 405 KAR 7:091. Administrative hearings on both stop coal and pattern of violation cases will now be heard under 405 KAR 7:092. The amended administrative regulation is therefore a technical adjustment of the cabinet's regulatory program and does not impose any new or additional requirements. Thus, the proposed amended regulation does not impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate. Justification for this statement is provided in paragraph 1 above. It should be noted that the provisions of this regulation is consistent with federal regulatory language as set forth in 30 CFR Parts 700 and 800.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Not applicable.

**NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION CABINET
Department for Surface Mining
Reclamation and Enforcement
(Proposed Amendment)**

405 KAR 16:001. Definitions for 405 KAR Chapter 16.

RELATES TO: KRS Chapter 350c 7 CFR Part 657, 30 CFR Parts 700.5, 701.5, 707.5, 730-733, 735, 761.5, 762.5, 773.5, 800.5, 843.5, 917c 30 USC 1253, 1255, 1291

STATUTORY AUTHORITY: KRS Chapter 13A, 350.028, 350.465c 30 CFR Parts 700.5, 701.5, 707.5, 730-733, 735, 761.5, 762.5, 773.5, 800.5, 843.5, 917, 30 USC 1253, 1255, 1291

NECESSITY AND FUNCTION: KRS Chapter 350 in pertinent part requires the cabinet to promulgate rules and regulations pertaining to surface coal mining and reclamation operations under the permanent regulatory program. This regulation provides for the defining of certain essential terms used in 405 KAR Chapter 16.

Section 1. Definitions. (1) "Acid drainage" means water with a pH of less than six (6.0) and in which total acidity exceeds total alkalinity, discharged from an active, inactive, or abandoned surface coal mine and reclamation operation or from an area affected by surface coal mining and reclamation operations.

(2) "Acid-forming materials" means earth materials that contain sulfide minerals or other materials which, if exposed to air, water, or weathering processes, form acids that may create acid drainage.

(3) "Adjacent area" means land located outside the affected area or permit area, depending on the context in which "adjacent area" is used, where air, surface or groundwater, fish, wildlife, vegetation or other resources protected by KRS Chapter 350 may be adversely impacted by surface coal mining and reclamation operations.

(4) "Affected area" means any land or water area which is used to facilitate, or is physically altered by, surface coal mining and reclamation operations. The affected area includes the disturbed area; any area upon which surface coal mining and reclamation operations are conducted; any adjacent lands the use of which is incidental to surface coal mining and reclamation operations; all areas covered by new or existing roads used to gain access to, or for hauling coal to or from, surface coal mining and reclamation operations, except as provided in this definition; any area covered by surface excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks,

tailings, holes or depressions, repair areas, storage areas, shipping areas; any areas upon which are sited structures, facilities, or other property or material on the surface resulting from, or incident to, surface coal mining and reclamation operations; and the area located above underground workings associated with underground mining activities, auger mining, or in situ mining. The affected area shall include every road used for the purposes of access to, or for hauling coal to or from, surface coal mining and reclamation operations, unless the road:

(a) Was designated as a public road pursuant to the laws of the jurisdiction in which it is located;

(b) Is maintained with public funds, and constructed in a manner similar to other public roads of the same classification within the jurisdiction; and

(c) There is substantial (more than incidental) public use.

(5) "Applicant" means any person(s) seeking a permit, permit revision, permit amendment, permit renewal, or transfer, assignment, or sale of permit rights from the cabinet to conduct surface coal mining and reclamation operations or approval to conduct coal exploration operations pursuant to KRS Chapter 350 and all applicable regulations.

(6) "Application" means the documents and other information filed with the cabinet seeking issuance of permits; revisions; amendments; renewals; and transfer, assignment or sale of permit rights for surface coal mining and reclamation operations or, if required, seeking approval for coal exploration.

(7) "Approximate original contour" is defined in KRS 350.010.

(8) "Aquifer" means a zone, stratum, or group of strata that can store and transmit water in sufficient quantities for domestic, agricultural, industrial, or other beneficial use.

(9) "Auger mining" means a method of mining coal at a cliff or highwall by drilling holes into an exposed coal seam from the highwall and transporting the coal along an auger bit to the surface and shall also include all other methods of mining in which coal is extracted from beneath the overburden by mechanical devices located at the face of the cliff or highwall and extending laterally into the coal seam, such as extended depth, secondary recovery systems.

(10) "Best technology currently available" means equipment, devices, systems, methods, or techniques which will prevent, to the extent possible, additional contributions of suspended solids to stream flow or runoff outside the permit area and minimize, to the extent possible, disturbances and adverse impacts on fish, wildlife, and related environmental values, and achieve enhancement of those resources where practicable. The term includes equipment, devices, systems, methods, or techniques which are currently available anywhere as determined by the cabinet, even if they are not in routine use. The term includes, but is not limited to, construction practices, siting requirements, vegetative selection and planting requirements, animal stocking requirements, scheduling of activities and design of sedimentation ponds in accordance with 405 KAR Chapters 16 and 18. The cabinet shall have the discretion to determine the best technology currently available on a case-by-case basis, as authorized by KRS Chapter 350 and 405 KAR Chapters 7 through 24.

(11) "Blaster" means a person who is directly responsible for surface blasting operations in surface coal mining and reclamation operations or coal exploration operations.

(12) "Bond pool" or "Kentucky Bond Pool" means the voluntary alternative bonding program established at KRS 350.700 through 350.755.

(13) "Cabinet" is defined in KRS 350.010.

(14) "CFR" means Code of Federal Regulations.

(15) "Coal" means combustible carbonaceous rock, classified as anthracite, bituminous, subbituminous, or lignite by ASTM Standard D 388-77.

(16) "Coal exploration" means the field gathering of:

(a) Surface or subsurface geologic, physical, or chemical data by mapping, trenching, drilling, geophysical, or other techniques necessary to determine the quality and quantity of overburden and coal of an area; or

(b) Environmental data to establish the conditions of an area before beginning surface coal mining and reclamation operations

under the requirements of 405 KAR Chapters 7 through 24 if the activity may cause any disturbance of the land surface or may cause any appreciable effect upon land, air, water, or other environmental resources.

(17) "Coal mine waste" means coal processing waste and underground development waste.

(18) "Coal processing waste" means materials which are separated from the product coal during the cleaning, concentrating, or other processing or preparation of coal.

(19) "Collateral bond" means an indemnity agreement in a sum certain payable to the cabinet executed by the permittee and which is supported by the deposit with the cabinet of cash, negotiable certificates of deposit, or an irrevocable letter of credit of any bank organized and authorized to transact business in the United States.

(20) "Combustible material" means organic material that is capable of burning, either by fire or through oxidation, accompanied by the evolution of heat and a significant temperature rise.

(21) "Compaction" means increasing the density of a material by reducing the voids between the particles by mechanical effort.

(22) "Cropland" means land used for the production of adapted crops for harvest, alone or in a rotation with grasses and legumes, and includes row crops, small grain crops, hay crops, nursery crops, orchard crops, and other similar specialty crops.

(23) "Cumulative impact area" means the area, including the permit area, within which impacts resulting from the proposed operation may interact with the impacts of all anticipated mining on surface and groundwater systems. Anticipated mining shall include, at a minimum, the entire projected lives through bond release of:

(a) The proposed operation;

(b) All existing operations;

(c) Any operation for which a permit application has been submitted to the cabinet; and

(d) All operations required to meet diligent development requirements for leased federal coal for which there is actual mine development information available.

(24) "Day" means calendar day unless otherwise specified to be a working day.

(25) "dB" means decibels.

(26) "Department" means the Department for Surface Mining Reclamation and Enforcement.

(27) "Developed water resources land" means land used for storing water for beneficial uses such as stockponds, irrigation, fire protection, flood control, and water supply.

(28) "Disturbed area" means an area where vegetation, topsoil, or overburden is removed or upon which topsoil, spoil, coal processing waste, underground development waste, or noncoal waste is placed by surface coal mining operations. Those areas are classified as "disturbed" until reclamation is complete and the performance bond or other assurance of performance required by 405 KAR Chapter 10 is released.

(29) "Diversion" means a channel, embankment, or other manmade structure constructed to divert water from one (1) area to another.

(30) "Downslope" means the land surface below the projected outcrop of the lowest coalbed being mined along each highwall.

(31) "Durable rock" means rock that does not slake in water and that is not reasonably expected to degrade to such a size or condition as to block, cause failure of, or otherwise impair or restrict the effectiveness of the internal drainage system. The cabinet shall consider rock to be durable if it is demonstrated, to the satisfaction of the cabinet in the application, that the rock has an SDI value of ninety (90) or greater as determined by the Kentucky Department of Transportation "Method for Determination of Slake Durability Index" (Kentucky Method 64-513-79), incorporated herein by reference. This document may be obtained from the Kentucky Transportation Cabinet, Division of Materials, Wilkinson Blvd., Frankfort, KY 40601; or the Kentucky Transportation Cabinet, Division of Management Services, State Office Building, Frankfort, KY 40601. It may be reviewed, copied, or obtained at the Department for Surface Mining Reclamation and Enforcement, #2 Hudson Hollow, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. The

cabinet may accept other test methods of demonstrating that rock is durable if it is demonstrated to the satisfaction of the cabinet that the alternative test methods yield equivalent measure of durability based upon correlation of results with Kentucky Method 64-513-79.

(32) "Embankment" means a manmade deposit of material that is raised above the natural surface of the land and used to contain, divert, or store water; to support roads or railways; or for other similar purposes.

(33) "Ephemeral stream" means a stream which flows only in direct response to precipitation in the immediate watershed or in response to the melting of a cover of snow and ice, and which has a channel bottom that is always above the local water table.

(34) "Excess spoil" means spoil disposed of in a location other than the coal extraction area, except that spoil material used to achieve the approximate original contour shall not be considered excess spoil.

(35) "Fish and wildlife land use", as used in 405 KAR 16:210 and in similar situations when referring to a premining or postmining land use, means land dedicated wholly or partially to the production, protection, or management of fish or wildlife. Areas considered as having the fish and wildlife land use are typically characterized by a diversity of habitats in which use by wildlife is the dominant characteristic, whether actively managed or not.

(36) "Forest land" means land used or managed for the long term production of wood, wood fiber, or wood derived products.

(37) "Fugitive dust" means that particulate matter which becomes airborne due to wind erosion from exposed surfaces.

(38) "Ground cover" means the area of ground covered by the combined aerial parts of vegetation and litter produced and distributed naturally and seasonally on site, expressed as a percentage of the total area of measurement.

(39) "Groundwater" means subsurface water that fills available openings in rock or soil materials to the extent that they are considered water saturated.

(40) "Growing season" means the period during a one (1) year cycle, from the last killing frost in the spring to the first killing frost in the fall, in which climatic conditions are favorable for plant growth. In Kentucky, this period normally extends from mid-April to mid-October.

(41) "Head-of-hollow fill" means a fill structure consisting of any material, other than coal processing waste and organic material, placed in the uppermost reaches of a hollow near the approximate elevation of the ridgeline, where there is no significant natural drainage area above the fill, and where the side slopes of the existing hollow measured at the steepest point are greater than twenty (20) degrees or the average slope of the profile of the hollow from the toe of the fill to the top of the fill is greater than ten (10) degrees.

(42) "Higher or better uses" means postmining land uses that have a higher economic value or nonmonetary benefit to the landowner or the community than the premining land uses.

(43) "Highwall" means the face of exposed overburden and coal in an open cut of a surface mining activity or for entry to underground mining activities.

(44) "Highwall remnant" means that portion of highwall that remains after backfilling and grading of a remining permit area.

(45) "Historically used for cropland."

(a) "Historically used for cropland" means that lands have been used for cropland for any five (5) years or more out of the ten (10) years immediately preceding:

1. The application; or

2. The acquisition of the land for the purpose of conducting surface coal mining and reclamation operations.

(b) Lands meeting either paragraph (a)1 or 2 of this subsection shall be considered "historically used for cropland."

(c) In addition to the lands covered by paragraph (a) of this subsection, other lands shall be considered "historically used for cropland" as described below:

1. Lands that would likely have been used as cropland for any five (5) out of the last ten (10) years immediately preceding the acquisition or the application but for some fact of ownership or control of the land unrelated to the productivity of the land; and

2. Lands that the cabinet determines, on the basis of additional

cropland history of the surrounding lands and the lands under consideration, are clearly cropland but fall outside the specific five (5) years in ten (10) criterion.

(d) Acquisition includes purchase, lease, or option of the land for the purpose of conducting or allowing through resale, lease or option, the conduct of surface coal mining and reclamation operations.

(46) "Hydrologic balance" means the relationship between the quality and quantity of water inflow to, water outflow from, and water storage in a hydrologic unit such as a drainage basin, aquifer, soil zone, lake, or reservoir. It encompasses the dynamic relationship between precipitation, runoff, evaporation, and changes in ground and surface water storage.

(47) "Hz" means hertz.

(48) "Imminent danger to the health and safety of the public" means the existence of any condition or practice, or any violation of a permit or other requirements of KRS Chapter 350 in a surface coal mining and reclamation operation, which could reasonably be expected to cause substantial physical harm to persons outside the permit area before the condition, practice, or violation can be abated. A reasonable expectation of death or serious injury before abatement exists if a rational person, subjected to the same condition or practice giving rise to the peril, would avoid exposure to the danger during the time necessary for abatement.

(49) "Impoundment" means a closed basin, naturally formed or artificially built, which is dammed or excavated for the retention of water, sediment, or waste.

(50) "Industrial/commercial lands" means lands used for:

(a) Extraction or transformation of materials for fabrication of products, wholesaling of products, or long-term storage of products, and heavy and light manufacturing facilities.

(b) Retail or trade of goods or services, including hotels, motels, stores, restaurants, and other commercial establishments.

(51) "In situ processes" means activities conducted on the surface or underground in connection with in-place distillation, retorting, leaching, or other chemical or physical processing of coal. The term includes, but is not limited to, in situ gasification, in situ leaching, slurry mining, solution mining, borehole mining, and fluid recovery mining.

(52) "Intermittent stream" means:

(a) A stream or reach of stream that drains a watershed of one (1) square mile or more but does not flow continuously during the calendar year; or

(b) A stream or reach of a stream that is below the local water table for at least some part of the year, and obtains its flow from both surface runoff and groundwater discharge.

(53) "KAR" means Kentucky administrative regulations.

(54) "KPDES" means Kentucky Pollutant Discharge Elimination System.

(55) "KRS" means Kentucky Revised Statutes.

(56) "Land use" means specific functions, uses, or management-related activities of an area, and may be identified in combination when joint or seasonal uses occur and may include land used for support facilities that are an integral part of the use. In some instances, a specific use can be identified without active management.

(57) "Modified highwall" means either:

(a) The highwall resulting from remining where the preexisting highwall face is removed; or

(b) The highwall resulting from remining where the preexisting highwall is vertically enlarged.

(58) "Monitoring" means the collection of environmental data by either continuous or periodic sampling methods.

(59) "MRP" means mining and reclamation plan.

(60) "MSHA" means Mine Safety and Health Administration.

(61) "Mulch" means vegetation residues or other suitable materials that aid in soil stabilization and soil moisture conservation, thus providing micro-climatic conditions suitable for germination and growth.

(62) "Notice of noncompliance and order for remedial measures" means a written document and order prepared by an authorized representative of the cabinet which sets forth with specificity the

violations of KRS Chapter 350, 405 KAR Chapters 7 through 24, or permit conditions which the authorized representative of the cabinet determines to have occurred based upon his inspection, and the necessary remedial actions, if any, and the time schedule for completion thereof, which the authorized representative deems necessary and appropriate to correct the violations.

(63) "Noxious plants" means species classified under Kentucky law as noxious plants.

(64) "Operations" is defined in KRS 350.010.

(65) "Operator" is defined in KRS 350.010.

(66) "Order for cessation and immediate compliance" means a written document and order issued by an authorized representative of the cabinet when:

(a) A person to whom a notice of noncompliance and order for remedial measures was issued has failed, as determined by a cabinet inspection, to comply with the terms of the notice of noncompliance and order for remedial measures within the time limits set therein, or as subsequently extended; or

(b) The authorized representative finds, on the basis of a cabinet inspection, any condition or practice or any violation of KRS Chapter 350, 405 KAR Chapters 7 through 24, or any condition of a permit or exploration approval which:

1. Creates an imminent danger to the health or safety of the public; or

2. Is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air or water resources.

(67) "OSM" means Office of Surface Mining Reclamation and Enforcement, United States Department of the Interior.

(68) "Outslope" means the face of the spoil or embankment sloping downward from the highest elevation to the toe.

(69) "Overburden" is defined in KRS 350.010.

(70) "Pastureland" means land used primarily for the long-term production of adapted, domesticated forage plants to be grazed by livestock or occasionally cut and cured for livestock feed.

(71) "Perennial stream" means a stream or that part of a stream that flows continuously during all of the calendar year as a result of groundwater discharge or surface runoff. The term does not include "intermittent stream" or "ephemeral stream."

(72) "Performance bond" means a surety bond, a collateral bond, or a combination thereof, or bonds filed pursuant to the provisions of the Kentucky Bond Pool Program (405 KAR 10:200, KRS 350.595, and KRS 350.700 through 350.755), by which a permittee assures faithful performance of all the requirements of KRS Chapter 350, 405 KAR Chapters 7 through 24, and the requirements of the permit and reclamation plan.

(73) "Permanent diversion" means a diversion remaining after surface coal mining and reclamation operations are completed which has been approved for retention by the cabinet and other appropriate Kentucky and federal agencies.

(74) "Permit" means written approval issued by the cabinet to conduct surface coal mining and reclamation operations.

(75) "Permit area" means the area of land and water within boundaries designated in the approved permit application, which shall include, at a minimum, all areas which are or will be affected by surface coal mining and reclamation operations under that permit.

(76) "Permittee" means an operator or a person holding or required by KRS Chapter 350 or 405 KAR Chapters 7 through 24 to hold a permit to conduct surface coal mining and reclamation operations during the permit term and until all reclamation obligations imposed by KRS Chapter 350 and 405 KAR Chapters 7 through 24 are satisfied.

(77) "Person" is defined in KRS 350.010 and 446.010(26).

(78) "Precipitation event" means a quantity of water resulting from drizzle, rain, snowmelt, sleet, or hail in a specified period of time.

(79) "Previously mined area" means land that was disturbed or affected by coal mining operations conducted prior to August 3, 1977, that has not been reclaimed to the standards of this title, and for which there is no continuing responsibility to reclaim to the standards of this title.

(80) "Prime farmland" means those lands which are defined by

the Secretary of Agriculture in 7 CFR 657 and which have been "historically used for cropland" as that phrase is defined above.

(81) "Probable hydrologic consequences" means the projected results of proposed surface coal mining and reclamation operations which may reasonably be expected to change the quantity or quality of the surface and groundwater; the surface or groundwater flow, timing, and pattern; and the stream channel conditions on the permit area and adjacent areas.

(82) "Public building" means any structure that is owned or leased, and principally used by a governmental agency for public business or meetings.

(83) "Public road" means any publicly owned thoroughfare for the passage of vehicles.

(84) "RAM" means Reclamation Advisory Memorandum.

(85) "Reasonably available spoil" means spoil and suitable coal mine waste material generated by the remining operation and other spoil or suitable coal mine waste material located in the permit area that is accessible and available for use and that when rehandled will not cause a hazard to public safety or significant damage to the environment. For this purpose, the permit area shall include all spoil of this nature located in the immediate vicinity of the mining operation.

(86) "Recharge capacity" means the ability of the soils and underlying materials to allow precipitation and runoff to infiltrate and reach the zone of saturation.

(87) "Reclamation" is defined in KRS 350.010.

(88) "Recreation land" means land used for public or private leisure-time use, including developed recreation facilities such as parks, camps, and amusement areas, as well as areas for less intensive uses such as hiking, canoeing, and other undeveloped recreational uses.

(89) "Reference area" means a land unit maintained under appropriate management for the purpose of measuring vegetative ground cover, productivity, and plant species diversity that are produced naturally or by crop production methods approved by the cabinet.

(90) "Refuse pile" means a surface deposit of coal mine waste that is not retained by an impounding structure and does not impound water, slurry, or other liquid or semiliquid material.

(91) "Remining" means conducting surface coal mining and reclamation operations which affect previously mined areas.

(92) "Residential land" means tracts employed for single and multiple-family housing, mobile home parks, and other residential lodgings.

(93) "Road" means a surface right-of-way for purposes of travel by land vehicles used in coal exploration or surface coal mining and reclamation operations. A road consists of the entire area within the right-of-way, including the roadbed, shoulders, parking and side area, approaches, structures, ditches, surface, and contiguous appendages necessary for the total structure. The term includes access and haul roads constructed, used, reconstructed, improved, or maintained for use in coal exploration or surface coal mining and reclamation operations, including use by coal hauling vehicles leading to transfer, processing, or storage areas. The term does not include pioneer or construction roadways used for part of the road construction procedure and promptly replaced by a road pursuant to 405 KAR Chapters 16 and 18 located in the identical right-of-way as the pioneer or construction roadway. The term also excludes any roadway within the immediate mining pit area.

(94) "Safety factor" means the ratio of the available shear strength to the developed shear stress, or the ratio of the sum of the resisting forces to the sum of the loading or driving forces, as determined by accepted engineering practices.

(95) "SCS" means Soil Conservation Service.

(96) "Sedimentation pond" means a primary sediment control structure designed, constructed, and maintained in accordance with 405 KAR 16:090 or 405 KAR 18:090 and including but not limited to a barrier, dam, or excavated depression which slows down water runoff to allow suspended solids to settle out. A sedimentation pond shall not include secondary sedimentation control structures, such as straw dikes, riprap, check dams, mulches, dugouts, and other measures that reduce overland flow velocity, reduce runoff volume, or trap

sediment, to the extent that the secondary sedimentation structures drain to a sedimentation pond.

(97) "Significant, imminent environmental harm" means an adverse impact on land, air, or water resources which resources include, but are not limited to, plant and animal life as further defined in this subsection.

(a) An environmental harm is imminent, if a condition, practice, or violation exists which:

1. Is causing environmental harm; or

2. May reasonably be expected to cause environmental harm at any time before the end of the reasonable abatement time that would be set by the cabinet's authorized agents pursuant to the provisions of KRS Chapter 350.

(b) An environmental harm is significant if that harm is appreciable and not immediately reparable.

(98) "Slope" means average inclination of a surface, measured from the horizontal, generally expressed as the ratio of a unit of vertical distance to a given number of units of horizontal distance (e.g., 1v:5h). It may also be expressed as a percent or in degrees.

(99) "Slurry mining" means the hydraulic breakdown of subsurface coal with drill-hole equipment, and the eduction of the resulting slurry to the surface for processing.

(100) "SMCRA" means Surface Mining Control and Reclamation Act of 1977 (Public Law 95-87), as amended.

(101) "Soil horizons" means contrasting layers of soil parallel or nearly parallel to the land surface. Soil horizons are differentiated on the basis of field characteristics and laboratory data. The four (4) master soil horizons are:

(a) "A horizon." The uppermost mineral layer, often called the surface soil. It is the part of the soil in which organic matter is most abundant, and leaching of soluble or suspended particles is typically the greatest.

(b) "E horizon." The layer commonly near the surface below an A horizon and above a B horizon. An E horizon is most commonly differentiated from an overlying A horizon by lighter color and generally has measurably less organic matter than the A horizon. An E horizon is most commonly differentiated from an underlying B horizon in the same sequum by color of higher value or lower chroma, by coarser texture, or by a combination of these properties.

(c) "B horizon." The layer that typically is immediately beneath the E horizon and often called the subsoil. This middle layer commonly contains more clay, iron, or aluminum than the A, E, or C horizons.

(d) "C horizon." The deepest layer of soil profile. It consists of loose material or weathered rock that is relatively unaffected by biologic activity.

(102) "Spoil" means overburden and other materials, excluding topsoil, coal mine waste, and mined coal, that are excavated during surface coal mining and reclamation operations.

(103) "Stabilize" means to control movement of soil, spoil piles, or areas of disturbed earth by modifying the geometry of the mass, or by otherwise modifying physical or chemical properties, such as by providing a protective surface coating.

(104) "Steep slope" means any slope of more than twenty (20) degrees.

(105) "Surety bond" means an indemnity agreement in a sum certain, payable to the cabinet and executed by the permittee, which is supported by the performance guarantee of a corporation licensed to do business as a surety in the Commonwealth of Kentucky.

(106) "Surface blasting operations" means the on-site storage, transportation, and use of explosives in association with coal exploration operations, surface mining activities, and surface disturbances of underground mining activities. The term shall be interpreted broadly and shall encompass activities including, but not limited to, the design of individual blasts, the implementation of blast designs, the initiation of blasts, the monitoring of airblast and ground vibration, and the use of protective measures such as access control and warning and all-clear signals.

(107) "Surface coal mining and reclamation operations" is defined in KRS 350.010.

(108) "Surface coal mining operations" is defined in KRS 350.010.

(109) "Surface mining activities" means those surface coal mining

and reclamation operations incident to the extraction of coal from the earth by removing the materials over a coal seam before recovering the coal, by auger coal mining, by extraction of coal from coal refuse piles, or by recovery of coal from slurry ponds.

(110) "Suspended solids" or nonfilterable residue, expressed as milligrams per liter, means organic or inorganic materials carried or held in suspension in water which are retained by a standard glass fiber filter in the procedure outlined by the U.S. EPA's regulations for waste water and analyses (40 CFR 136).

(111) "Temporary diversion" means a diversion of a stream or overland flow which is used during coal exploration or surface coal mining and reclamation operations and not approved by the cabinet to remain after reclamation as part of the approved postmining land use.

(112) "Ton" means 2000 pounds avoirdupois (.90718 metric ton).

(113) "Topsoil" means the A and E soil horizon layers of the four (4) master soil horizons.

(114) "Toxic-forming materials" means earth materials or wastes which, if acted upon by air, water, weathering, or microbiological processes, are likely to produce chemical conditions in soils or water that are detrimental to biota or uses of water.

(115) "Toxic mine drainage" means water that is discharged from active or abandoned mines or other areas affected by coal exploration or surface coal mining and reclamation operations, which contains a substance that through chemical action is likely to kill, injure, or impair biota commonly present in the area that might be exposed to it.

(116) "Transfer, assignment, or sale of permit rights" means a change in ownership or other effective control over the right to conduct surface coal mining operations under a permit issued by the cabinet.

(117) "TRM" means Technical Reclamation Memorandum.

(118) "Underground development waste" means waste coal, shale, claystone, siltstone, sandstone, limestone, or similar materials that are extracted from underground workings in connection with underground mining activities.

(119) "Underground mining activities" means a combination of:

(a) Surface operations incident to underground extraction of coal or in situ processing, including construction, use, maintenance, and reclamation of roads, aboveground repair areas, storage areas, processing areas, and shipping areas; areas upon which are sited support facilities including hoist and ventilating ducts; areas utilized for the disposal and storage of waste; and areas on which materials incident to underground mining operations are placed; and

(b) Underground operations such as underground construction, operation, and reclamation of shafts, adits, underground support facilities; in situ processing; and underground mining, hauling, storage, and blasting.

(120) "Undeveloped land or no current use or land management" means land that is undeveloped or, if previously developed, land that has been allowed to return naturally to an undeveloped state or has been allowed to return to forest through natural succession.

(121) "U.S. EPA" means United States Environmental Protection Agency.

(122) "Valley fill" means a fill structure consisting of any material other than coal waste and organic material that is placed in a valley where side slopes of the existing valley measured at the steepest point are greater than twenty (20) degrees or the average slope of the profile of the valley from the toe of the fill to the top of the fill is greater than ten (10) degrees.

(123) "Valuable environmental resources" means:

(a) Listed or proposed endangered or threatened species of plants or animals or their critical habitats listed by the Secretary of the Interior under the Endangered Species Act of 1973, as amended (16 USC Sec. 1531 et seq.), or those species or habitats protected by similar state statutes; and

(b) Habitats of unusually high value for fish and wildlife, as determined by the cabinet in consultation with state and federal agencies with responsibilities for fish and wildlife.

(124) "Water table" means the upper surface of a zone of saturation, where the body of groundwater is not confined by an overlying impermeable zone.

(125) "Water transmitting zone" means a body of consolidated or unconsolidated rocks which, due to their greater primary or secondary permeability relative to the surrounding rocks, can reasonably be considered to function as a single hydraulic medium for the flow of groundwater.

(126) "Wetland" means land that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

(a) "Hydric soil" means soil that, in its undrained condition, is saturated, flooded, or ponded long enough during a growing season to develop an anaerobic condition that supports the growth and regeneration of hydrophytic vegetation.

(b) "Hydrophytic vegetation" means a plant growing in:

1. Water; or

2. A substrate that is at least periodically deficient in oxygen during a growing season as a result of excessive water content.

PHILLIP J. SHEPHERD, Secretary

JUDITH A. VILLINES, Commissioner

APPROVED BY AGENCY: July 14, 1992

FILED WITH LRC: July 15, 1992 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 27, 1992, at 9 a.m. at Hudson Hollow Office Park, #2 Hudson Hollow, Frankfort, Kentucky in Room D-16. Persons interested in being heard at this hearing shall notify this agency in writing by August 22, 1992, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. To assure an accurate record, the cabinet requests that each person testifying at the hearing provide the cabinet with a written copy of his or her testimony. No transcript of recording will automatically be taken of the hearing unless a written request for a transcript of recording is made, in which case the person making the request shall have the responsibility of paying for same. Written comments on the proposed amendment may be submitted at any time before 4:30 p.m. on August 27, 1992. Comments received after that time will not be considered. Written notification of intent to be heard at the public hearing and written comments must be submitted to the following contact person: Judith A. Villines, Department of Law, Fifth Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith A. Villines

(1) Type and number of entities affected: This regulation amends 405 KAR 16:001 by amending the definition of "person" to include the definition of person under KRS 446.010 which includes inter alia governmental bodies. The regulation therefore has an indirect effect on state, county and local governments. As such, the regulation will indirectly pertain to any person interested in or adversely affected by a determination or enforcement action initiated by the cabinet and also has an indirect impact on all active and inactive surface mining permits of which there are approximately 3,800.

(a) Direct and indirect costs or savings to those affected:

1. First year: None. This regulation, which is definitional in nature, should not have any fiscal impact.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None. This regulation, which is definitional in nature, should not have any fiscal impact on the cabinet.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were considered.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Tiering is not applicable to this proposed amendment because, under the federal and Kentucky surface mining laws and regulations, these requirements must apply equally to all entities.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 30 USC 1253, 1255, 1291. 7 CFR Part 657, 30 CFR Parts 700.5, 701.5, 707.5, 730, 731, 732, 733, 735, 761.5, 762.5, 773.5, 800.5, 843.5, 917.

2. State compliance standards. This regulation defines terms used in 405 KAR Chapter 16 and amends 405 KAR 16:001 by amending the definition of "person" to include the definition of person under KRS 446.010 which includes inter alia governmental bodies.

3. Minimum or uniform standards contained in the federal mandate. The federal regulations provide definitions of "person" as set forth in the federal surface mining regulations is substantially the same or similar to the definition proposed in the state regulation.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Not applicable.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET Department for Surface Mining Reclamation and Enforcement (Proposed Amendment)

405 KAR 18:001. Definitions for 405 KAR Chapter 18.

RELATES TO: KRS Chapter 350, 7 CFR Part 657, 30 CFR Parts 700.5, 701.5, 707.5, 730-733, 735, 761.5, 762.5, 773.5, 800.5, 843.5, 917, 30 USC 1253, 1255, 1291

STATUTORY AUTHORITY: KRS Chapter 13A, 350.028, 350.465, 30 CFR Parts 700.5, 701.5, 707.5, 730-733, 735, 761.5, 762.5, 773.5, 800.5, 843.5, 917, 30 USC 1253, 1255, 1291

NECESSITY AND FUNCTION: KRS Chapter 350 in pertinent part requires the cabinet to promulgate rules and regulations pertaining to surface coal mining and reclamation operations under the permanent regulatory program. This regulation provides for the defining of certain essential terms used in 405 KAR Chapter 18.

Section 1. Definitions. (1) "Acid drainage" means water with a pH of less than six (6.0) and in which total acidity exceeds total alkalinity, discharged from an active, inactive, or abandoned surface coal mine and reclamation operation or from an area affected by surface coal mining and reclamation operations.

(2) "Acid-forming materials" means earth materials that contain sulfide minerals or other materials which, if exposed to air, water, or weathering processes, form acids that may create acid drainage.

(3) "Adjacent area" means land located outside the affected area or permit area, depending on the context in which "adjacent area" is used, where air, surface or groundwater, fish, wildlife, vegetation or other resources protected by KRS Chapter 350 may be adversely impacted by surface coal mining and reclamation operations.

(4) "Affected area" means any land or water area which is used to facilitate, or is physically altered by, surface coal mining and

reclamation operations. The affected area includes the disturbed area; any area upon which surface coal mining and reclamation operations are conducted; any adjacent lands the use of which is incidental to surface coal mining and reclamation operations; all areas covered by new or existing roads used to gain access to, or for hauling coal to or from, surface coal mining and reclamation operations, except as provided in this definition; any area covered by surface excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, shipping areas; any areas upon which are sited structures, facilities, or other property or material on the surface resulting from, or incident to, surface coal mining and reclamation operations; and the area located above underground workings associated with underground mining activities, auger mining, or in situ mining. The affected area shall include every road used for the purposes of access to, or for hauling coal to or from, surface coal mining and reclamation operations, unless the road:

(a) Was designated as a public road pursuant to the laws of the jurisdiction in which it is located;

(b) Is maintained with public funds, and constructed in a manner similar to other public roads of the same classification within the jurisdiction; and

(c) There is substantial (more than incidental) public use.

(5) "Applicant" means any person(s) seeking a permit, permit revision, permit amendment, permit renewal, or transfer, assignment, or sale of permit rights from the cabinet to conduct surface coal mining and reclamation operations or approval to conduct coal exploration operations pursuant to KRS Chapter 350 and all applicable regulations.

(6) "Application" means the documents and other information filed with the cabinet seeking issuance of permits; revisions; amendments; renewals; and transfer, assignment or sale of permit rights for surface coal mining and reclamation operations or, if required, seeking approval for coal exploration.

(7) "Approximate original contour" is defined in KRS 350.010.

(8) "Aquifer" means a zone, stratum, or group of strata that can store and transmit water in sufficient quantities for domestic, agricultural, industrial, or other beneficial use.

(9) "Auger mining" means a method of mining coal at a cliff or highwall by drilling holes into an exposed coal seam from the highwall and transporting the coal along an auger bit to the surface and shall also include all other methods of mining in which coal is extracted from beneath the overburden by mechanical devices located at the face of the cliff or highwall and extending laterally into the coal seam, such as extended depth, secondary recovery systems.

(10) "Best technology currently available" means equipment, devices, systems, methods, or techniques which will prevent, to the extent possible, additional contributions of suspended solids to stream flow or runoff outside the permit area and minimize, to the extent possible, disturbances and adverse impacts on fish, wildlife, and related environmental values, and achieve enhancement of those resources where practicable. The term includes equipment, devices, systems, methods, or techniques which are currently available anywhere as determined by the cabinet, even if they are not in routine use. The term includes, but is not limited to, construction practices, siting requirements, vegetative selection and planting requirements, animal stocking requirements, scheduling of activities and design of sedimentation ponds in accordance with 405 KAR Chapters 16 and 18. The cabinet shall have the discretion to determine the best technology currently available on a case-by-case basis, as authorized by KRS Chapter 350 and 405 KAR Chapters 7 through 24.

(11) "Blaster" means a person who is directly responsible for surface blasting operations in surface coal mining and reclamation operations or coal exploration operations.

(12) "Bond pool" or "Kentucky Bond Pool" means the voluntary alternative bonding program established at KRS 350.700 through 350.755.

(13) "Cabinet" is defined in KRS 350.010.

(14) "CFR" means Code of Federal Regulations.

(15) "Coal" means combustible carbonaceous rock, classified as

anthracite, bituminous, subbituminous, or lignite by ASTM Standard D 388-77.

(16) "Coal exploration" means the field gathering of:

(a) Surface or subsurface geologic, physical, or chemical data by mapping, trenching, drilling, geophysical, or other techniques necessary to determine the quality and quantity of overburden and coal of an area; or

(b) Environmental data to establish the conditions of an area before beginning surface coal mining and reclamation operations under the requirements of 405 KAR Chapters 7 through 24 if the activity may cause any disturbance of the land surface or may cause any appreciable effect upon land, air, water, or other environmental resources.

(17) "Coal mine waste" means coal processing waste and underground development waste.

(18) "Coal processing plant" means a facility where coal is subjected to chemical or physical processing or cleaning, concentrating, crushing, sizing, screening, or other processing or preparation including all associated support facilities including but not limited to: loading facilities; storage and stockpile facilities; sheds, shops, and other buildings; water treatment and water storage facilities; settling basins and impoundments; and coal processing and other waste disposal areas.

(19) "Coal processing waste" means materials which are separated from the product coal during the cleaning, concentrating, or other processing or preparation of coal.

(20) "Collateral bond" means an indemnity agreement in a sum certain payable to the cabinet executed by the permittee and which is supported by the deposit with the cabinet of cash, negotiable certificates of deposit, or an irrevocable letter of credit of any bank organized and authorized to transact business in the United States.

(21) "Combustible material" means organic material that is capable of burning, either by fire or through oxidation, accompanied by the evolution of heat and a significant temperature rise.

(22) "Compaction" means increasing the density of a material by reducing the voids between the particles by mechanical effort.

(23) "Cropland" means land used for the production of adapted crops for harvest, alone or in a rotation with grasses and legumes, and includes row crops, small grain crops, hay crops, nursery crops, orchard crops, and other similar specialty crops.

(24) "Cumulative impact area" means the area, including the permit area, within which impacts resulting from the proposed operation may interact with the impacts of all anticipated mining on surface and groundwater systems. Anticipated mining shall include, at a minimum, the entire projected lives through bond release of:

(a) The proposed operation;

(b) All existing operations;

(c) Any operation for which a permit application has been submitted to the cabinet; and

(d) All operations required to meet diligent development requirements for leased federal coal for which there is actual mine development information available.

(25) "Day" means calendar day unless otherwise specified to be a working day.

(26) "dB" means decibels.

(27) "Department" means the Department for Surface Mining Reclamation and Enforcement.

(28) "Developed water resources land" means land used for storing water for beneficial uses such as stockpounds, irrigation, fire protection, flood control, and water supply.

(29) "Disturbed area" means an area where vegetation, topsoil, or overburden is removed or upon which topsoil, spoil, coal processing waste, underground development waste, or noncoal waste is placed by surface coal mining operations. Those areas are classified as "disturbed" until reclamation is complete and the performance bond or other assurance of performance required by 405 KAR Chapter 10 is released.

(30) "Diversion" means a channel, embankment, or other manmade structure constructed to divert water from one (1) area to another.

(31) "Downslope" means the land surface below the projected

outcrop of the lowest coalbed being mined along each highwall.

(32) "Durable rock" means rock that does not slake in water and that is not reasonably expected to degrade to such a size or condition as to block, cause failure of, or otherwise impair or restrict the effectiveness of the internal drainage system. The cabinet shall consider rock to be durable if it is demonstrated, to the satisfaction of the cabinet in the application, that the rock has an SDI value of ninety (90) or greater as determined by the Kentucky Department of Transportation "Method for Determination of Slake Durability Index" (Kentucky Method 64-513-79), incorporated herein by reference. This document may be obtained from the Kentucky Transportation Cabinet, Division of Materials, Wilkinson Blvd., Frankfort, KY 40601; or the Kentucky Transportation Cabinet, Division of Management Services, State Office Building, Frankfort, KY 40601. It may be reviewed, copied, or obtained at the Department for Surface Mining Reclamation and Enforcement, #2 Hudson Hollow, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. The cabinet may accept other test methods of demonstrating that rock is durable if it is demonstrated to the satisfaction of the cabinet that the alternative test methods yield equivalent measure of durability based upon correlation of results with Kentucky Method 64-513-79.

(33) "Embankment" means a manmade deposit of material that is raised above the natural surface of the land and used to contain, divert, or store water; to support roads or railways; or for other similar purposes.

(34) "Ephemeral stream" means a stream which flows only in direct response to precipitation in the immediate watershed or in response to the melting of a cover of snow and ice, and which has a channel bottom that is always above the local water table.

(35) "Excess spoil" means spoil disposed of in a location other than the coal extraction area, except that spoil material used to achieve the approximate original contour shall not be considered excess spoil.

(36) "Fish and wildlife land use", as used in 405 KAR 16:210 and in similar situations when referring to a premining or postmining land use, means land dedicated wholly or partially to the production, protection, or management of fish or wildlife. Areas considered as having the fish and wildlife land use are typically characterized by a diversity of habitats in which use by wildlife is the dominant characteristic, whether actively managed or not.

(37) "Forest land" means land used or managed for the long term production of wood, wood fiber, or wood derived products.

(38) "Fugitive dust" means that particulate matter which becomes airborne due to wind erosion from exposed surfaces.

(39) "Ground cover" means the area of ground covered by the combined aerial parts of vegetation and litter produced and distributed naturally and seasonally on site, expressed as a percentage of the total area of measurement.

(40) "Groundwater" means subsurface water that fills available openings in rock or soil materials to the extent that they are considered water saturated.

(41) "Growing season" means the period during a one (1) year cycle, from the last killing frost in the spring to the first killing frost in the fall, in which climatic conditions are favorable for plant growth. In Kentucky, this period normally extends from mid-April to mid-October.

(42) "Head-of-hollow fill" means a fill structure consisting of any material, other than coal processing waste and organic material, placed in the uppermost reaches of a hollow near the approximate elevation of the ridgeline, where there is no significant natural drainage area above the fill, and where the side slopes of the existing hollow measured at the steepest point are greater than twenty (20) degrees or the average slope of the profile of the hollow from the toe of the fill to the top of the fill is greater than ten (10) degrees.

(43) "Higher or better uses" means postmining land uses that have a higher economic value or nonmonetary benefit to the landowner or the community than the premining land uses.

(44) "Highwall" means the face of exposed overburden and coal in an open cut of a surface mining activity or for entry to underground mining activities.

(45) "Highwall remnant" means that portion of highwall that remains after backfilling and grading of a remining permit area.

(46) "Historically used for cropland."

(a) "Historically used for cropland" means that lands have been used for cropland for any five (5) years or more out of the ten (10) years immediately preceding:

1. The application; or
2. The acquisition of the land for the purpose of conducting surface coal mining and reclamation operations.

(b) Lands meeting either paragraph (a)1 or 2 of this subsection shall be considered "historically used for cropland."

(c) In addition to the lands covered by paragraph (a) of this subsection, other lands shall be considered "historically used for cropland" as described below:

1. Lands that would likely have been used as cropland for any five (5) out of the last ten (10) years immediately preceding the acquisition or the application but for some fact of ownership or control of the land unrelated to the productivity of the land; and

2. Lands that the cabinet determines, on the basis of additional cropland history of the surrounding lands and the lands under consideration, are clearly cropland but fall outside the specific five (5) years in ten (10) criterion.

(d) Acquisition includes purchase, lease, or option of the land for the purpose of conducting or allowing through resale, lease or option, the conduct of surface coal mining and reclamation operations.

(47) "Hydrologic balance" means the relationship between the quality and quantity of water inflow to, water outflow from, and water storage in a hydrologic unit such as a drainage basin, aquifer, soil zone, lake, or reservoir. It encompasses the dynamic relationship between precipitation, runoff, evaporation, and changes in ground and surface water storage.

(48) "Hz" means hertz.

(49) "Impoundment" means a closed basin, naturally formed or artificially built, which is dammed or excavated for the retention of water, sediment, or waste.

(50) "Industrial/commercial lands" means lands used for:

(a) Extraction or transformation of materials for fabrication of products, wholesaling of products, or long-term storage of products, and heavy and light manufacturing facilities.

(b) Retail or trade of goods or services, including hotels, motels, stores, restaurants, and other commercial establishments.

(51) "In situ processes" means activities conducted on the surface or underground in connection with in-place distillation, retorting, leaching, or other chemical or physical processing of coal. The term includes, but is not limited to, in situ gasification, in situ leaching, slurry mining, solution mining, borehole mining, and fluid recovery mining.

(52) "Intermittent stream" means:

(a) A stream or reach of stream that drains a watershed of one (1) square mile or more but does not flow continuously during the calendar year; or

(b) A stream or reach of a stream that is below the local water table for at least some part of the year, and obtains its flow from both surface runoff and groundwater discharge.

(53) "KAR" means Kentucky administrative regulations.

(54) "KPDES" means Kentucky Pollutant Discharge Elimination System.

(55) "KRS" means Kentucky Revised Statutes.

(56) "Land use" means specific functions, uses, or management-related activities of an area, and may be identified in combination when joint or seasonal uses occur and may include land used for support facilities that are an integral part of the use. In some instances, a specific use can be identified without active management.

(57) "Modified highwall" means either:

(a) The highwall resulting from remining where the preexisting highwall face is removed; or

(b) The highwall resulting from remining where the preexisting highwall is vertically enlarged.

(58) "Monitoring" means the collection of environmental data by either continuous or periodic sampling methods.

(59) "MRP" means mining and reclamation plan.

(60) "MSHA" means Mine Safety and Health Administration.

(61) "Mulch" means vegetation residues or other suitable materials that aid in soil stabilization and soil moisture conservation, thus providing micro-climatic conditions suitable for germination and growth.

(62) "Noxious plants" means species classified under Kentucky law as noxious plants.

(63) "Operations" is defined in KRS 350.010.

(64) "Operator" is defined in KRS 350.010.

(65) "OSM" means Office of Surface Mining Reclamation and Enforcement, United States Department of the Interior.

(66) "Outslope" means the face of the spoil or embankment sloping downward from the highest elevation to the toe.

(67) "Overburden" is defined in KRS 350.010.

(68) "Pastureland" means land used primarily for the long-term production of adapted, domesticated forage plants to be grazed by livestock or occasionally cut and cured for livestock feed.

(69) "Perennial stream" means a stream or that part of a stream that flows continuously during all of the calendar year as a result of groundwater discharge or surface runoff. The term does not include "intermittent stream" or "ephemeral stream."

(70) "Performance bond" means a surety bond, a collateral bond, or a combination thereof, or bonds filed pursuant to the provisions of the Kentucky Bond Pool Program (405 KAR 10:200, KRS 350.595, and KRS 350.700 through 350.755), by which a permittee assures faithful performance of all the requirements of KRS Chapter 350, 405 KAR Chapters 7 through 24, and the requirements of the permit and reclamation plan.

(71) "Permanent diversion" means a diversion remaining after surface coal mining and reclamation operations are completed which has been approved for retention by the cabinet and other appropriate Kentucky and federal agencies.

(72) "Permit" means written approval issued by the cabinet to conduct surface coal mining and reclamation operations.

(73) "Permit area" means the area of land and water within boundaries designated in the approved permit application, which shall include, at a minimum, all areas which are or will be affected by surface coal mining and reclamation operations under that permit.

(74) "Permittee" means an operator or a person holding or required by KRS Chapter 350 or 405 KAR Chapters 7 through 24 to hold a permit to conduct surface coal mining and reclamation operations during the permit term and until all reclamation obligations imposed by KRS Chapter 350 and 405 KAR Chapters 7 through 24 are satisfied.

(75) "Person" is defined in KRS 350.010 and 446.010(26).

(76) "Precipitation event" means a quantity of water resulting from drizzle, rain, snowmelt, sleet, or hail in a specified period of time.

(77) "Previously mined area" means land that was disturbed or affected by coal mining operations conducted prior to August 3, 1977, that has not been reclaimed to the standards of this title, and for which there is no continuing responsibility to reclaim to the standards of this title.

(78) "Prime farmland" means those lands which are defined by the Secretary of Agriculture in 7 CFR 657 and which have been "historically used for cropland" as that phrase is defined above.

(79) "Probable hydrologic consequences" means the projected results of proposed surface coal mining and reclamation operations which may reasonably be expected to change the quantity or quality of the surface and groundwater; the surface or groundwater flow, timing, and pattern; and the stream channel conditions on the permit area and adjacent areas.

(80) "Public building" means any structure that is owned or leased, and principally used by a governmental agency for public business or meetings.

(81) "Public road" means any publicly owned thoroughfare for the passage of vehicles.

(82) "RAM" means Reclamation Advisory Memorandum.

(83) "Reasonably available spoil" means spoil and suitable coal mine waste material generated by the remining operation and other spoil or suitable coal mine waste material located in the permit area that is accessible and available for use and that when rehandled will not cause a hazard to public safety or significant damage to the

environment. For this purpose, the permit area shall include all spoil of this nature located in the immediate vicinity of the mining operation.

(84) "Reclamation" is defined in KRS 350.010.

(85) "Recreation land" means land used for public or private leisure-time use, including developed recreation facilities such as parks, camps, and amusement areas, as well as areas for less intensive uses such as hiking, canoeing, and other undeveloped recreational uses.

(86) "Reference area" means a land unit maintained under appropriate management for the purpose of measuring vegetative ground cover, productivity, and plant species diversity that are produced naturally or by crop production methods approved by the cabinet.

(87) "Refuse pile" means a surface deposit of coal mine waste that is not retained by an impounding structure and does not impound water, slurry, or other liquid or semiliquid material.

(88) "Remining" means conducting surface coal mining and reclamation operations which affect previously mined areas.

(89) "Residential land" means tracts employed for single and multiple-family housing, mobile home parks, and other residential lodgings.

(90) "Road" means a surface right-of-way for purposes of travel by land vehicles used in coal exploration or surface coal mining and reclamation operations. A road consists of the entire area within the right-of-way, including the roadbed, shoulders, parking and side area, approaches, structures, ditches, surface, and contiguous appendages necessary for the total structure. The term includes access and haul roads constructed, used, reconstructed, improved, or maintained for use in coal exploration or surface coal mining and reclamation operations, including use by coal hauling vehicles leading to transfer, processing, or storage areas. The term does not include pioneer or construction roadways used for part of the road construction procedure and promptly replaced by a road pursuant to 405 KAR Chapters 16 and 18 located in the identical right-of-way as the pioneer or construction roadway. The term also excludes any roadway within the immediate mining pit area.

(91) "Safety factor" means the ratio of the available shear strength to the developed shear stress, or the ratio of the sum of the resisting forces to the sum of the loading or driving forces, as determined by accepted engineering practices.

(92) "SCS" means Soil Conservation Service.

(93) "Sedimentation pond" means a primary sediment control structure designed, constructed, and maintained in accordance with 405 KAR 16:090 or 405 KAR 18:090 and including but not limited to a barrier, dam, or excavated depression which slows down water runoff to allow suspended solids to settle out. A sedimentation pond shall not include secondary sedimentation control structures, such as straw dikes, riprap, check dams, mulches, dugouts, and other measures that reduce overland flow velocity, reduce runoff volume, or trap sediment, to the extent that the secondary sedimentation structures drain to a sedimentation pond.

(94) "Slope" means average inclination of a surface, measured from the horizontal, generally expressed as the ratio of a unit of vertical distance to a given number of units of horizontal distance (e.g., 1v:5h). It may also be expressed as a percent or in degrees.

(95) "Slurry mining" means the hydraulic breakdown of subsurface coal with drill-hole equipment, and the eduction of the resulting slurry to the surface for processing.

(96) "SMCRA" means Surface Mining Control and Reclamation Act of 1977 (Public Law 95-87), as amended.

(97) "Soil horizons" means contrasting layers of soil parallel or nearly parallel to the land surface. Soil horizons are differentiated on the basis of field characteristics and laboratory data. The four (4) master soil horizons are:

(a) "A horizon." The uppermost mineral layer, often called the surface soil. It is the part of the soil in which organic matter is most abundant, and leaching of soluble or suspended particles is typically the greatest.

(b) "E horizon." The layer commonly near the surface below an A horizon and above a B horizon. An E horizon is most commonly differentiated from an overlying A horizon by lighter color and

generally has measurably less organic matter than the A horizon. An E horizon is most commonly differentiated from an underlying B horizon in the same sequence by color of higher value or lower chroma, by coarser texture, or by a combination of these properties.

(c) "B horizon." The layer that typically is immediately beneath the E horizon and often called the subsoil. This middle layer commonly contains more clay, iron, or aluminum than the A, E, or C horizons.

(d) "C horizon." The deepest layer of soil profile. It consists of loose material or weathered rock that is relatively unaffected by biologic activity.

(98) "Spoil" means overburden and other materials, excluding topsoil, coal mine waste, and mined coal, that are excavated during surface coal mining and reclamation operations.

(99) "Stabilize" means to control movement of soil, spoil piles, or areas of disturbed earth by modifying the geometry of the mass, or by otherwise modifying physical or chemical properties, such as by providing a protective surface coating.

(100) "Steep slope" means any slope of more than twenty (20) degrees.

(101) "Surety bond" means an indemnity agreement in a sum certain, payable to the cabinet and executed by the permittee, which is supported by the performance guarantee of a corporation licensed to do business as a surety in the Commonwealth of Kentucky.

(102) "Surface blasting operations" means the on-site storage, transportation, and use of explosives in association with coal exploration operations, surface mining activities, and surface disturbances of underground mining activities. The term shall be interpreted broadly and shall encompass activities including, but not limited to, the design of individual blasts, the implementation of blast designs, the initiation of blasts, the monitoring of airblast and ground vibration, and the use of protective measures such as access control and warning and all-clear signals.

(103) "Surface coal mining and reclamation operations" is defined in KRS 350.010.

(104) "Surface coal mining operations" is defined in KRS 350.010.

(105) "Surface mining activities" means those surface coal mining and reclamation operations incident to the extraction of coal from the earth by removing the materials over a coal seam before recovering the coal, by auger coal mining, by extraction of coal from coal refuse piles, or by recovery of coal from slurry ponds.

(106) "Suspended solids" or nonfilterable residue, expressed as milligrams per liter, means organic or inorganic materials carried or held in suspension in water which are retained by a standard glass fiber filter in the procedure outlined by the U.S. EPA's regulations for waste water and analyses (40 CFR 136).

(107) "Temporary diversion" means a diversion of a stream or overland flow which is used during coal exploration or surface coal mining and reclamation operations and not approved by the cabinet to remain after reclamation as part of the approved postmining land use.

(108) "Ton" means 2000 pounds avoirdupois (.90718 metric ton).

(109) "Topsoil" means the A and E soil horizon layers of the four (4) master soil horizons.

(110) "Toxic-forming materials" means earth materials or wastes which, if acted upon by air, water, weathering, or microbiological processes, are likely to produce chemical conditions in soils or water that are detrimental to biota or uses of water.

(111) "Toxic mine drainage" means water that is discharged from active or abandoned mines or other areas affected by coal exploration or surface coal mining and reclamation operations, which contains a substance that through chemical action is likely to kill, injure, or impair biota commonly present in the area that might be exposed to it.

(112) "Transfer, assignment, or sale of permit rights" means a change in ownership or other effective control over the right to conduct surface coal mining operations under a permit issued by the cabinet.

(113) "TRM" means Technical Reclamation Memorandum.

(114) "Underground development waste" means waste coal, shale, claystone, siltstone, sandstone, limestone, or similar materials that are extracted from underground workings in connection with underground mining activities.

(115) "Underground mining activities" means a combination of:

(a) Surface operations incident to underground extraction of coal or in situ processing, including construction, use, maintenance, and reclamation of roads, aboveground repair areas, storage areas, processing areas, and shipping areas; areas upon which are sited support facilities including hoist and ventilating ducts; areas utilized for the disposal and storage of waste; and areas on which materials incident to underground mining operations are placed; and

(b) Underground operations such as underground construction, operation, and reclamation of shafts, adits, underground support facilities; in situ processing; and underground mining, hauling, storage, and blasting.

(116) "Undeveloped land or no current use or land management" means land that is undeveloped or, if previously developed, land that has been allowed to return naturally to an undeveloped state or has been allowed to return to forest through natural succession.

(117) "U.S. EPA" means United States Environmental Protection Agency.

(118) "Valley fill" means a fill structure consisting of any material other than coal waste and organic material that is placed in a valley where side slopes of the existing valley measured at the steepest point are greater than twenty (20) degrees or the average slope of the profile of the valley from the toe of the fill to the top of the fill is greater than ten (10) degrees.

(119) "Valuable environmental resources" means:

(a) Listed or proposed endangered or threatened species of plants or animals or their critical habitats listed by the Secretary of the Interior under the Endangered Species Act of 1973, as amended (16 USC Sec. 1531 et seq.), or those species or habitats protected by similar state statutes; and

(b) Habitats of unusually high value for fish and wildlife, as determined by the cabinet in consultation with state and federal agencies with responsibilities for fish and wildlife.

(120) "Water table" means the upper surface of a zone of saturation, where the body of groundwater is not confined by an overlying impermeable zone.

(121) "Water transmitting zone" means a body of consolidated or unconsolidated rocks which, due to their greater primary or secondary permeability relative to the surrounding rocks, can reasonably be considered to function as a single hydraulic medium for the flow of groundwater.

(122) "Wetland" means land that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

(a) "Hydric soil" means soil that, in its undrained condition, is saturated, flooded, or ponded long enough during a growing season to develop an anaerobic condition that supports the growth and regeneration of hydrophytic vegetation.

(b) "Hydrophytic vegetation" means a plant growing in:

1. Water; or

2. A substrate that is at least periodically deficient in oxygen during a growing season as a result of excessive water content.

PHILLIP J. SHEPHERD, Secretary
JUDITH A. VILLINES, Commissioner

APPROVED BY AGENCY: July 14, 1992

FILED WITH LRC: July 15, 1992 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 27, 1992, at 9 a.m. at Hudson Hollow Office Park, #2 Hudson Hollow, Frankfort, Kentucky in Room D-16. Persons interested in being heard at this hearing shall notify this agency in writing by August 22, 1992, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. To assure an accurate record, the cabinet requests that each person testifying at the hearing provide the cabinet with a written copy of his or her testimony. No transcript of recording

will automatically be taken of the hearing unless a written request for a transcript of recording is made, in which case the person making the request shall have the responsibility of paying for same. Written comments on the proposed amendment may be submitted at any time before 4:30 p.m. on August 27, 1992. Comments received after that time will not be considered. Written notification of intent to be heard at the public hearing and written comments must be submitted to the following contact person: Judith A. Villines, Department of Law, Fifth Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith A. Villines

(1) Type and number of entities affected: This regulation amends 405 KAR 18:001 by amending the definition of "person" to include the definition of person under KRS 446.010 which includes inter alia governmental bodies. The regulation therefore has an indirect effect on state, county and local governments. As such, the regulation will indirectly pertain to any person interested in or adversely affected by a determination or enforcement action initiated by the cabinet and also has an indirect impact on all active and inactive surface mining permits of which there are approximately 3,800.

(a) Direct and indirect costs or savings to those affected:

1. First year: None. This regulation, which is definitional in nature, should not have any fiscal impact.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None. This regulation, which is definitional in nature, should not have any fiscal impact on the cabinet.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were considered.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Tiering is not applicable to this proposed amendment because, under the federal and Kentucky surface mining laws and regulations, these requirements must apply equally to all entities.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 30 USC 1253, 1255, 1291. 7 CFR Part 657, 30 CFR Parts 700.5, 701.5, 707.5, 730, 731, 732, 733, 735, 761.5, 762.5, 773.5, 800.5, 843.5, 917.

2. State compliance standards. This regulation defines terms used in 405 KAR Chapter 18 and amends 405 KAR 18:001 by amending the definition of "person" to include the definition of person under KRS 446.010 which includes inter alia governmental bodies.

3. Minimum or uniform standards contained in the federal mandate. The federal regulations provide definitions of "person" as set forth in the federal surface mining regulations is substantially the same or similar to the definition proposed in the state regulation.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Not applicable.

**NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION CABINET**
Department for Surface Mining
Reclamation and Enforcement
(Proposed Amendment)

405 KAR 20:001. Definitions for 405 KAR Chapter 20.

RELATES TO: KRS Chapter 350, 7 CFR Part 657, 30 CFR Parts 700.5, 701.5, 707.5, 730-733, 735, 761.5, 762.5, 773.5, 800.5, 843.5, 917, 30 USC 1253, 1255, 1291

STATUTORY AUTHORITY: KRS Chapter 13A, 350.028, 350.465, 30 CFR Parts 700.5, 701.5, 707.5, 730-733, 735, 761.5, 762.5, 773.5, 800.5, 843.5, 917, 30 USC 1253, 1255, 1291

NECESSITY AND FUNCTION: KRS Chapter 350 in pertinent part requires the cabinet to promulgate rules and regulations pertaining to surface coal mining and reclamation operations under the permanent regulatory program. This regulation provides for the defining of certain essential terms used in 405 KAR Chapter 20.

Section 1. Definitions. (1) "Acid drainage" means water with a pH of less than six (6.0) and in which total acidity exceeds total alkalinity, discharged from an active, inactive, or abandoned surface coal mine and reclamation operation or from an area affected by surface coal mining and reclamation operations.

(2) "Acid-forming materials" means earth materials that contain sulfide minerals or other materials which, if exposed to air, water, or weathering processes, form acids that may create acid drainage.

(3) "Adjacent area" means land located outside the affected area or permit area, depending on the context in which "adjacent area" is used, where air, surface or groundwater, fish, wildlife, vegetation or other resources protected by KRS Chapter 350 may be adversely impacted by surface coal mining and reclamation operations.

(4) "Affected area" means any land or water area which is used to facilitate, or is physically altered by, surface coal mining and reclamation operations. The affected area includes the disturbed area; any area upon which surface coal mining and reclamation operations are conducted; any adjacent lands the use of which is incidental to surface coal mining and reclamation operations; all areas covered by new or existing roads used to gain access to, or for hauling coal to or from, surface coal mining and reclamation operations, except as provided in this definition; any area covered by surface excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, shipping areas; any areas upon which are sited structures, facilities, or other property or material on the surface resulting from, or incident to, surface coal mining and reclamation operations; and the area located above underground workings associated with underground mining activities, auger mining, or in situ mining. The affected area shall include every road used for the purposes of access to, or for hauling coal to or from, surface coal mining and reclamation operations, unless the road:

(a) Was designated as a public road pursuant to the laws of the jurisdiction in which it is located;

(b) Is maintained with public funds, and constructed in a manner similar to other public roads of the same classification within the jurisdiction; and

(c) There is substantial (more than incidental) public use.

(5) "Agricultural use" means the use of any tract of land for the production of animal or vegetable life. The uses include, but are not limited to, the pasturing, grazing, and watering of livestock, and the cropping, cultivation, and harvesting of plants.

(6) "Applicant" means any person(s) seeking a permit, permit revision, permit amendment, permit renewal, or transfer, assignment, or sale of permit rights from the cabinet to conduct surface coal mining and reclamation operations or approval to conduct coal exploration operations pursuant to KRS Chapter 350 and all applicable regulations.

(7) "Application" means the documents and other information filed with the cabinet seeking issuance of permits; revisions; amendments;

renewals; and transfer, assignment or sale of permit rights for surface coal mining and reclamation operations or, if required, seeking approval for coal exploration.

(8) "Approximate original contour" is defined in KRS 350.010.

(9) "Aquifer" means a zone, stratum, or group of strata that can store and transmit water in sufficient quantities for domestic, agricultural, industrial, or other beneficial use.

(10) "Auger mining" means a method of mining coal at a cliff or highwall by drilling holes into an exposed coal seam from the highwall and transporting the coal along an auger bit to the surface and shall also include all other methods of mining in which coal is extracted from beneath the overburden by mechanical devices located at the face of the cliff or highwall and extending laterally into the coal seam, such as extended depth, secondary recovery systems.

(11) "Bond pool" or "Kentucky Bond Pool" means the voluntary alternative bonding program established at KRS 350.700 through 350.755.

(12) "Cabinet" is defined in KRS 350.010.

(13) "CFR" means Code of Federal Regulations.

(14) "Coal" means combustible carbonaceous rock, classified as anthracite, bituminous, subbituminous, or lignite by ASTM Standard D 388-77.

(15) "Coal exploration" means the field gathering of:

(a) Surface or subsurface geologic, physical, or chemical data by mapping, trenching, drilling, geophysical, or other techniques necessary to determine the quality and quantity of overburden and coal of an area; or

(b) Environmental data to establish the conditions of an area before beginning surface coal mining and reclamation operations under the requirements of 405 KAR Chapters 7 through 24 if the activity may cause any disturbance of the land surface or may cause any appreciable effect upon land, air, water, or other environmental resources.

(16) "Coal mine waste" means coal processing waste and underground development waste.

(17) "Coal processing plant" means a facility where coal is subjected to chemical or physical processing or cleaning, concentrating, crushing, sizing, screening, or other processing or preparation including all associated support facilities including but not limited to: loading facilities; storage and stockpile facilities; sheds, shops, and other buildings; water treatment and water storage facilities; settling basins and impoundments; and coal processing and other waste disposal areas.

(18) "Coal processing waste" means materials which are separated from the product coal during the cleaning, concentrating, or other processing or preparation of coal.

(19) "Collateral bond" means an indemnity agreement in a sum certain payable to the cabinet executed by the permittee and which is supported by the deposit with the cabinet of cash, negotiable certificates of deposit, or an irrevocable letter of credit of any bank organized and authorized to transact business in the United States.

(20) "Compaction" means increasing the density of a material by reducing the voids between the particles by mechanical effort.

(21) "Cropland" means land used for the production of adapted crops for harvest, alone or in a rotation with grasses and legumes, and includes row crops, small grain crops, hay crops, nursery crops, orchard crops, and other similar specialty crops.

(22) "Day" means calendar day unless otherwise specified to be a working day.

(23) "Department" means the Department for Surface Mining Reclamation and Enforcement.

(24) "Disturbed area" means an area where vegetation, topsoil, or overburden is removed or upon which topsoil, spoil, coal processing waste, underground development waste, or noncoal waste is placed by surface coal mining operations. Those areas are classified as "disturbed" until reclamation is complete and the performance bond or other assurance of performance required by 405 KAR Chapter 10 is released.

(25) "Diversion" means a channel, embankment, or other manmade structure constructed to divert water from one (1) area to another.

(26) "Downslope" means the land surface below the projected outcrop of the lowest coalbed being mined along each highwall.

(27) "Embankment" means a manmade deposit of material that is raised above the natural surface of the land and used to contain, divert, or store water; to support roads or railways; or for other similar purposes.

(28) "Ephemeral stream" means a stream which flows only in direct response to precipitation in the immediate watershed or in response to the melting of a cover of snow and ice, and which has a channel bottom that is always above the local water table.

(29) "Excess spoil" means spoil disposed of in a location other than the coal extraction area, except that spoil material used to achieve the approximate original contour shall not be considered excess spoil.

(30) "Groundwater" means subsurface water that fills available openings in rock or soil materials to the extent that they are considered water saturated.

(31) "Head-of-hollow fill" means a fill structure consisting of any material, other than coal processing waste and organic material, placed in the uppermost reaches of a hollow near the approximate elevation of the ridgeline, where there is no significant natural drainage area above the fill, and where the side slopes of the existing hollow measured at the steepest point are greater than twenty (20) degrees or the average slope of the profile of the hollow from the toe of the fill to the top of the fill is greater than ten (10) degrees.

(32) "Highwall" means the face of exposed overburden and coal in an open cut of a surface mining activity or for entry to underground mining activities.

(33) "Historically used for cropland."

(a) "Historically used for cropland" means that lands have been used for cropland for any five (5) years or more out of the ten (10) years immediately preceding:

1. The application; or
2. The acquisition of the land for the purpose of conducting surface coal mining and reclamation operations.

(b) Lands meeting either paragraph (a)1 or 2 of this subsection shall be considered "historically used for cropland."

(c) In addition to the lands covered by paragraph (a) of this subsection, other lands shall be considered "historically used for cropland" as described below:

1. Lands that would likely have been used as cropland for any five (5) out of the last ten (10) years immediately preceding the acquisition or the application but for some fact of ownership or control of the land unrelated to the productivity of the land; and

2. Lands that the cabinet determines, on the basis of additional cropland history of the surrounding lands and the lands under consideration, are clearly cropland but fall outside the specific five (5) years in ten (10) criterion.

(d) Acquisition includes purchase, lease, or option of the land for the purpose of conducting or allowing through resale, lease or option, the conduct of surface coal mining and reclamation operations.

(34) "Hydrologic balance" means the relationship between the quality and quantity of water inflow to, water outflow from, and water storage in a hydrologic unit such as a drainage basin, aquifer, soil zone, lake, or reservoir. It encompasses the dynamic relationship between precipitation, runoff, evaporation, and changes in ground and surface water storage.

(35) "Impoundment" means a closed basin, naturally formed or artificially built, which is dammed or excavated for the retention of water, sediment, or waste.

(36) "Industrial/commercial lands" means lands used for:

(a) Extraction or transformation of materials for fabrication of products, wholesaling of products, or long-term storage of products, and heavy and light manufacturing facilities.

(b) Retail or trade of goods or services, including hotels, motels, stores, restaurants, and other commercial establishments.

(37) "In situ processes" means activities conducted on the surface or underground in connection with in-place distillation, retorting, leaching, or other chemical or physical processing of coal. The term includes, but is not limited to, in situ gasification, in situ leaching, slurry mining, solution mining, borehole mining, and fluid recovery

mining.

(38) "Intermittent stream" means:

(a) A stream or reach of stream that drains a watershed of one (1) square mile or more but does not flow continuously during the calendar year; or

(b) A stream or reach of a stream that is below the local water table for at least some part of the year, and obtains its flow from both surface runoff and groundwater discharge.

(39) "KAR" means Kentucky administrative regulations.

(40) "KRS" means Kentucky Revised Statutes.

(41) "Land use" means specific functions, uses, or management-related activities of an area, and may be identified in combination when joint or seasonal uses occur and may include land used for support facilities that are an integral part of the use. In some instances, a specific use can be identified without active management.

(42) "Monitoring" means the collection of environmental data by either continuous or periodic sampling methods.

(43) "Mulch" means vegetation residues or other suitable materials that aid in soil stabilization and soil moisture conservation, thus providing micro-climatic conditions suitable for germination and growth.

(44) "Operations" is defined in KRS 350.010.

(45) "Operator" is defined in KRS 350.010.

(46) "OSM" means Office of Surface Mining Reclamation and Enforcement, United States Department of the Interior.

(47) "Outslope" means the face of the spoil or embankment sloping downward from the highest elevation to the toe.

(48) "Overburden" is defined in KRS 350.010.

(49) "Perennial stream" means a stream or that part of a stream that flows continuously during all of the calendar year as a result of groundwater discharge or surface runoff. The term does not include "intermittent stream" or "ephemeral stream."

(50) "Performance bond" means a surety bond, a collateral bond, or a combination thereof, or bonds filed pursuant to the provisions of the Kentucky Bond Pool Program (405 KAR 10:200, KRS 350.595, and KRS 350.700 through 350.755), by which a permittee assures faithful performance of all the requirements of KRS Chapter 350, 405 KAR Chapters 7 through 24, and the requirements of the permit and reclamation plan.

(51) "Permit" means written approval issued by the cabinet to conduct surface coal mining and reclamation operations.

(52) "Permit area" means the area of land and water within boundaries designated in the approved permit application, which shall include, at a minimum, all areas which are or will be affected by surface coal mining and reclamation operations under that permit.

(53) "Permittee" means an operator or a person holding or required by KRS Chapter 350 or 405 KAR Chapters 7 through 24 to hold a permit to conduct surface coal mining and reclamation operations during the permit term and until all reclamation obligations imposed by KRS Chapter 350 and 405 KAR Chapters 7 through 24 are satisfied.

(54) "Person" is defined in KRS 350.010 and 446.010(26).

(55) "Precipitation event" means a quantity of water resulting from drizzle, rain, snowmelt, sleet, or hail in a specified period of time.

(56) "Prime farmland" means those lands which are defined by the Secretary of Agriculture in 7 CFR 657 and which have been "historically used for cropland" as that phrase is defined above.

(57) "Public road" means any publicly owned thoroughfare for the passage of vehicles.

(58) "RAM" means Reclamation Advisory Memorandum.

(59) "Reclamation" is defined in KRS 350.010.

(60) "Recreation land" means land used for public or private leisure-time use, including developed recreation facilities such as parks, camps, and amusement areas, as well as areas for less intensive uses such as hiking, canoeing, and other undeveloped recreational uses.

(61) "Residential land" means tracts employed for single and multiple-family housing, mobile home parks, and other residential lodgings.

(62) "Road" means a surface right-of-way for purposes of travel

by land vehicles used in coal exploration or surface coal mining and reclamation operations. A road consists of the entire area within the right-of-way, including the roadbed, shoulders, parking and side area, approaches, structures, ditches, surface, and contiguous appendages necessary for the total structure. The term includes access and haul roads constructed, used, reconstructed, improved, or maintained for use in coal exploration or surface coal mining and reclamation operations, including use by coal hauling vehicles leading to transfer, processing, or storage areas. The term does not include pioneer or construction roadways used for part of the road construction procedure and promptly replaced by a road pursuant to 405 KAR Chapters 16 and 18 located in the identical right-of-way as the pioneer or construction roadway. The term also excludes any roadway within the immediate mining pit area.

(63) "Safety factor" means the ratio of the available shear strength to the developed shear stress, or the ratio of the sum of the resisting forces to the sum of the loading or driving forces, as determined by accepted engineering practices.

(64) "SCS" means Soil Conservation Service.

(65) "Sedimentation pond" means a primary sediment control structure designed, constructed, and maintained in accordance with 405 KAR 16:090 or 405 KAR 18:090 and including but not limited to a barrier, dam, or excavated depression which slows down water runoff to allow suspended solids to settle out. A sedimentation pond shall not include secondary sedimentation control structures, such as straw dikes, riprap, check dams, mulches, dugouts, and other measures that reduce overland flow velocity, reduce runoff volume, or trap sediment, to the extent that the secondary sedimentation structures drain to a sedimentation pond.

(66) "Slope" means average inclination of a surface, measured from the horizontal, generally expressed as the ratio of a unit of vertical distance to a given number of units of horizontal distance (e.g., 1v:5h). It may also be expressed as a percent or in degrees.

(67) "Slurry mining" means the hydraulic breakdown of subsurface coal with drill-hole equipment, and the eduction of the resulting slurry to the surface for processing.

(68) "Soil horizons" means contrasting layers of soil parallel or nearly parallel to the land surface. Soil horizons are differentiated on the basis of field characteristics and laboratory data. The four (4) master soil horizons are:

(a) "A horizon." The uppermost mineral layer, often called the surface soil. It is the part of the soil in which organic matter is most abundant, and leaching of soluble or suspended particles is typically the greatest.

(b) "E horizon." The layer commonly near the surface below an A horizon and above a B horizon. An E horizon is most commonly differentiated from an overlying A horizon by lighter color and generally has measurably less organic matter than the A horizon. An E horizon is most commonly differentiated from an underlying B horizon in the same sequence by color of higher value or lower chroma; by coarser texture, or by a combination of these properties.

(c) "B horizon." The layer that typically is immediately beneath the E horizon and often called the subsoil. This middle layer commonly contains more clay, iron, or aluminum than the A, E, or C horizons.

(d) "C horizon." The deepest layer of soil profile. It consists of loose material or weathered rock that is relatively unaffected by biologic activity.

(69) "Soil survey" means a field and other investigation, resulting in a map showing the geographic distribution of different kinds of soils and an accompanying report that describes, classifies, and interprets the soils for use. Soil surveys shall meet the standards of the National Cooperative Soil Survey.

(70) "Spoil" means overburden and other materials, excluding topsoil, coal mine waste, and mined coal, that are excavated during surface coal mining and reclamation operations.

(71) "Steep slope" means any slope of more than twenty (20) degrees.

(72) "Substantially disturb" means, for purposes of coal exploration, to significantly impact land or water resources by blasting; by removal of vegetation, topsoil, or overburden; by construction of roads or other access routes; by placement of excavated earth or waste

material on the natural land surface; or by other activities, or to remove more than twenty-five (25) tons of coal.

(73) "Surety bond" means an indemnity agreement in a sum certain, payable to the cabinet and executed by the permittee, which is supported by the performance guarantee of a corporation licensed to do business as a surety in the Commonwealth of Kentucky.

(74) "Surface coal mining and reclamation operations" is defined in KRS 350.010.

(75) "Surface coal mining operations" is defined in KRS 350.010.

(76) "Suspended solids" or nonfilterable residue, expressed as milligrams per liter, means organic or inorganic materials carried or held in suspension in water which are retained by a standard glass fiber filter in the procedure outlined by the U.S. EPA's regulations for waste water and analyses (40 CFR 136).

(77) "Ton" means 2000 pounds avoirdupois (.90718 metric ton).

(78) "Topsoil" means the A and E soil horizon layers of the four (4) master soil horizons.

(79) "Toxic-forming materials" means earth materials or wastes which, if acted upon by air, water, weathering, or microbiological processes, are likely to produce chemical conditions in soils or water that are detrimental to biota or uses of water.

(80) "Toxic mine drainage" means water that is discharged from active or abandoned mines or other areas affected by coal exploration or surface coal mining and reclamation operations, which contains a substance that through chemical action is likely to kill, injure, or impair biota commonly present in the area that might be exposed to it.

(81) "Transfer, assignment, or sale of permit rights" means a change in ownership or other effective control over the right to conduct surface coal mining operations under a permit issued by the cabinet.

(82) "Underground development waste" means waste coal, shale, claystone, siltstone, sandstone, limestone, or similar materials that are extracted from underground workings in connection with underground mining activities.

(83) "Underground mining activities" means a combination of:

(a) Surface operations incident to underground extraction of coal or in situ processing, including construction, use, maintenance, and reclamation of roads, aboveground repair areas, storage areas, processing areas, and shipping areas; areas upon which are sited support facilities including hoist and ventilating ducts; areas utilized for the disposal and storage of waste; and areas on which materials incident to underground mining operations are placed; and

(b) Underground operations such as underground construction, operation, and reclamation of shafts, adits, underground support facilities; in situ processing; and underground mining, hauling, storage, and blasting.

(84) "U.S. EPA" means United States Environmental Protection Agency.

(85) "Water table" means the upper surface of a zone of saturation, where the body of groundwater is not confined by an overlying impermeable zone.

PHILLIP J. SHEPHERD, Secretary

JUDITH A. VILLINES, Commissioner

APPROVED BY AGENCY: July 14, 1992

FILED WITH LRC: July 15, 1992 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 27, 1992, at 9 a.m. at Hudson Hollow Office Park, #2 Hudson Hollow, Frankfort, Kentucky in Room D-16. Persons interested in being heard at this hearing shall notify this agency in writing by August 22, 1992, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. To assure an accurate record, the cabinet requests that each person testifying at the hearing provide the cabinet with a written copy of his or her testimony. No transcript of recording will automatically be taken of the hearing unless a written request for a transcript of recording is made, in which case the person making the request shall have the responsibility of paying for same. Written

comments on the proposed amendment may be submitted at any time before 4:30 p.m. on August 27, 1992. Comments received after that time will not be considered. Written notification of intent to be heard at the public hearing and written comments must be submitted to the following contact person: Judith A. Villines, Department of Law, Fifth Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith A. Villines

(1) Type and number of entities affected: This regulation amends 405 KAR 20:001 by amending the definition of "person" to include the definition of person under KRS 446.010 which includes inter alia governmental bodies. The regulation therefore has an indirect effect on state, county and local governments. As such, the regulation will indirectly pertain to any person interested in or adversely affected by a determination or enforcement action initiated by the cabinet and also has an indirect impact on all active and inactive surface mining permits of which there are approximately 3,800.

(a) Direct and indirect costs or savings to those affected:

1. First year: None. This regulation, which is definitional in nature, should not have any fiscal impact.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None. This regulation, which is definitional in nature, should not have any fiscal impact on the cabinet.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues:

None

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were considered.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Tiering is not applicable to this proposed amendment because, under the federal and Kentucky surface mining laws and regulations, these requirements must apply equally to all entities.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 30 USC 1253, 1255, 1291. 7 CFR Part 657, 30 CFR Parts 700.5, 701.5, 707.5, 730, 731, 732, 733, 735, 761.5, 762.5, 773.5, 800.5, 843.5, 917.

2. State compliance standards. This regulation defines terms used in 405 KAR Chapter 20 and amends 405 KAR 20:001 by amending the definition of "person" to include the definition of person under KRS 446.010 which includes inter alia governmental bodies.

3. Minimum or uniform standards contained in the federal mandate. The federal regulations provide definitions of "person" as set forth in the federal surface mining regulations is substantially the same or similar to the definition proposed in the state regulation.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Not applicable.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET Department for Surface Mining Reclamation and Enforcement (Proposed Amendment)

405 KAR 24:001. Definitions for 405 KAR Chapter 24.

STATUTORY AUTHORITY: KRS Chapter 350, 30 CFR Parts 700.5, 701.5, 707.5, 730-733, 735, 761.5, 762.5, 773.5, 800.5, 843.5, 917, 30 USC 1253, 1255, 1291

STATUTORY AUTHORITY: KRS Chapter 13A, 350.028, 350.465, 30 CFR Parts 700.5, 701.5, 707.5, 730-733, 735, 761.5, 762.5, 773.5, 800.5, 843.5, 917, 30 USC 1253, 1255, 1291

NECESSITY AND FUNCTION: KRS Chapter 350 in pertinent part requires the cabinet to promulgate rules and regulations pertaining to surface coal mining and reclamation operations under the permanent regulatory program. This regulation provides for the defining of certain essential terms used in 405 KAR Chapter 24.

Section 1. Definitions. (1) "Affected area" means any land or water area which is used to facilitate, or is physically altered by, surface coal mining and reclamation operations. The affected area includes the disturbed area; any area upon which surface coal mining and reclamation operations are conducted; any adjacent lands the use of which is incidental to surface coal mining and reclamation operations; all areas covered by new or existing roads used to gain access to, or for hauling coal to or from, surface coal mining and reclamation operations, except as provided in this definition; any area covered by surface excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, shipping areas; any areas upon which are sited structures, facilities, or other property or material on the surface resulting from, or incident to, surface coal mining and reclamation operations; and the area located above underground workings associated with underground mining activities, auger mining, or in situ mining. The affected area shall include every road used for the purposes of access to, or for hauling coal to or from, surface coal mining and reclamation operations, unless the road:

(a) Was designated as a public road pursuant to the laws of the jurisdiction in which it is located;

(b) Is maintained with public funds, and constructed in a manner similar to other public roads of the same classification within the jurisdiction; and

(c) There is substantial (more than incidental) public use.

(2) "Applicant" means any person(s) seeking a permit, permit revision, permit amendment, permit renewal, or transfer, assignment, or sale of permit rights from the cabinet to conduct surface coal mining and reclamation operations or approval to conduct coal exploration operations pursuant to KRS Chapter 350 and all applicable regulations.

(3) "Application" means the documents and other information filed with the cabinet seeking issuance of permits; revisions; amendments; renewals; and transfer, assignment or sale of permit rights for surface coal mining and reclamation operations or, if required, seeking approval for coal exploration.

(4) "Aquifer" means a zone, stratum, or group of strata that can store and transmit water in sufficient quantities for domestic, agricultural, industrial, or other beneficial use.

(5) "Area", as used in 405 KAR Chapter 24, means a geographic unit in which the criteria alleged in the petition pursuant to 405 KAR 24:020, Sections 3 and 4 and 405 KAR 24:030, Section 8 occur throughout and form a significant feature.

(6) "Auger mining" means a method of mining coal at a cliff or highwall by drilling holes into an exposed coal seam from the highwall and transporting the coal along an auger bit to the surface and shall also include all other methods of mining in which coal is extracted from beneath the overburden by mechanical devices located at the face of the cliff or highwall and extending laterally into the coal seam, such as extended depth, secondary recovery systems.

- (7) "Cabinet" is defined in KRS 350.010.
- (8) "Cemetery" means any area where human bodies are interred.
- (9) "CFR" means Code of Federal Regulations.
- (10) "Coal" means combustible carbonaceous rock, classified as anthracite, bituminous, subbituminous, or lignite by ASTM Standard D 388-77.
- (11) "Coal exploration" means the field gathering of:
 - (a) Surface or subsurface geologic, physical, or chemical data by mapping, trenching, drilling, geophysical, or other techniques necessary to determine the quality and quantity of overburden and coal of an area; or
 - (b) Environmental data to establish the conditions of an area before beginning surface coal mining and reclamation operations under the requirements of 405 KAR Chapters 7 through 24 if the activity may cause any disturbance of the land surface or may cause any appreciable effect upon land, air, water, or other environmental resources.
- (12) "Coal mine waste" means coal processing waste and underground development waste.
- (13) "Coal processing waste" means materials which are separated from the product coal during the cleaning, concentrating, or other processing or preparation of coal.
- (14) "Community or institutional building" means any structure, other than a public building or an occupied dwelling, which is used primarily for meetings, gatherings, or functions of local civic organizations or other community groups; functions as an educational, cultural, historic, religious, scientific, correctional, mental health, or physical health care facility; or is used for public services, including, but not limited to, water supply, power generation, or sewage treatment.
- (15) "Complete and accurate application" means an application for permit approval, or approval for coal exploration if required, which the cabinet determines to contain all information required under, and necessary to comply with, KRS Chapter 350 and 405 KAR Chapters 7 through 24, in order to make decisions concerning its administrative and technical acceptability and whether a permit or exploration approval may be issued.
- (16) "Day" means calendar day unless otherwise specified to be a working day.
- (17) "Disturbed area" means an area where vegetation, topsoil, or overburden is removed or upon which topsoil, spoil, coal processing waste, underground development waste, or noncoal waste is placed by surface coal mining operations. Those areas are classified as "disturbed" until reclamation is complete and the performance bond or other assurance of performance required by 405 KAR Chapter 10 is released.
- (18) "Federal lands" means any lands, including mineral interests, owned by the United States, without regard to how the United States acquired ownership of the lands or which agency manages the lands. It does not include Indian lands.
- (19) "Fragile lands" means areas containing natural, ecologic, scientific, or aesthetic resources that could be significantly damaged by surface coal mining operations. Examples of fragile lands include uncommon geologic formations, paleontological sites, national natural landmarks, valuable habitats for fish or wildlife, areas where mining may result in flooding, critical habitats for endangered or threatened species of animals or plants, wetlands, environmental corridors containing a concentration of ecologic and aesthetic features, state-designated nature preserves and wild rivers, and areas of recreational value due to high environmental quality.
- (20) "Groundwater" means subsurface water that fills available openings in rock or soil materials to the extent that they are considered water saturated.
- (21) "Growing season" means the period during a one (1) year cycle, from the last killing frost in the spring to the first killing frost in the fall, in which climatic conditions are favorable for plant growth. In Kentucky, this period normally extends from mid-April to mid-October.
- (22) "Highwall" means the face of exposed overburden and coal in an open cut of a surface mining activity or for entry to underground mining activities.
- (23) "Historic lands" means areas containing historic, cultural, or scientific resources. Examples of historic lands include properties listed on or eligible for listing on a state or national register of historic places, national historic landmarks, archaeological sites, properties having religious or cultural significance to native Americans or religious groups, and properties for which historic designation is pending.
- (24) "Impoundment" means a closed basin, naturally formed or artificially built, which is dammed or excavated for the retention of water, sediment, or waste.
- (25) "In situ processes" means activities conducted on the surface or underground in connection with in-place distillation, retorting, leaching, or other chemical or physical processing of coal. The term includes, but is not limited to, in situ gasification, in situ leaching, slurry mining, solution mining, borehole mining, and fluid recovery mining.
- (26) "KAR" means Kentucky administrative regulations.
- (27) "KRS" means Kentucky Revised Statutes.
- (28) "Natural hazard lands" means geographic areas in which natural conditions exist that pose or, as a result of surface coal mining operations, may pose a threat to the health, safety, or welfare of people, property, or the environment, including, but not limited to, areas subject to landslides, cave-ins, subsidence, substantial erosion, unstable geology, or frequent flooding.
- (29) "Occupied dwelling" means any building that is currently being used on a regular or temporary basis for human habitation.
- (30) "Operations" is defined in KRS 350.010.
- (31) "Operator" is defined in KRS 350.010.
- (32) "Overburden" is defined in KRS 350.010.
- (33) "Permit" means written approval issued by the cabinet to conduct surface coal mining and reclamation operations.
- (34) "Person" is defined in KRS 350.010 and 446.010(26).
- (35) "Person having an interest which is or may be adversely affected" or "person with a valid legal interest" shall include any person:
 - (a) Who uses any resource of economic, recreational, aesthetic, or environmental value that may be adversely affected by coal exploration or surface coal mining and reclamation operations, or by any related action of the cabinet; or
 - (b) Whose property is or may be adversely affected by coal exploration or surface coal mining and reclamation operations, or by any related action of the cabinet.
- (36) "Petitioner" means a person who submits a petition under 405 KAR Chapter 24 to designate a specific area as unsuitable for all or certain types of surface coal mining and reclamation operations, or who submits a petition under 405 KAR Chapter 24 to terminate such a designation.
- (37) "Public building" means any structure that is owned or leased, and principally used by a governmental agency for public business or meetings.
- (38) "Publicly-owned park" means a public park that is owned by a federal, state, or local governmental entity.
- (39) "Public park" means an area dedicated or designated by any federal, state, or local agency primarily for public recreational use, despite whether the use is limited to certain times or days. It includes any land leased, reserved, or held open to the public because of that use.
- (40) "Public road" means any publicly owned thoroughfare for the passage of vehicles.
- (41) "RAM" means Reclamation Advisory Memorandum.
- (42) "Reclamation" is defined in KRS 350.010.
- (43) "Renewable resource lands" means geographic areas which contribute significantly to the long-range productivity of water supplies or of food or fiber products, these lands to include aquifers and aquifer recharge areas.
- (44) "Road" means a surface right-of-way for purposes of travel by land vehicles used in coal exploration or surface coal mining and reclamation operations. A road consists of the entire area within the right-of-way, including the roadbed, shoulders, parking and side area, approaches, structures, ditches, surface, and contiguous appendages necessary for the total structure. The term includes access and haul roads constructed, used, reconstructed, improved, or maintained for

use in coal exploration or surface coal mining and reclamation operations, including use by coal hauling vehicles leading to transfer, processing, or storage areas. The term does not include pioneer or construction roadways used for part of the road construction procedure and promptly replaced by a road pursuant to 405 KAR Chapters 16 and 18 located in the identical right-of-way as the pioneer or construction roadway. The term also excludes any roadway within the immediate mining pit area.

(45) "Secretary" is defined in KRS 350.010.

(46) "Slurry mining" means the hydraulic breakdown of subsurface coal with drill-hole equipment, and the eduction of the resulting slurry to the surface for processing.

(47) "SMCRA" means Surface Mining Control and Reclamation Act of 1977 (Public Law 95-87), as amended.

(48) "Soil horizons" means contrasting layers of soil parallel or nearly parallel to the land surface. Soil horizons are differentiated on the basis of field characteristics and laboratory data. The four (4) master soil horizons are:

(a) "A horizon." The uppermost mineral layer, often called the surface soil. It is the part of the soil in which organic matter is most abundant, and leaching of soluble or suspended particles is typically the greatest.

(b) "E horizon." The layer commonly near the surface below an A horizon and above a B horizon. An E horizon is most commonly differentiated from an overlying A horizon by lighter color and generally has measurably less organic matter than the A horizon. An E horizon is most commonly differentiated from an underlying B horizon in the same sequence by color of higher value or lower chroma, by coarser texture, or by a combination of these properties.

(c) "B horizon." The layer that typically is immediately beneath the E horizon and often called the subsoil. This middle layer commonly contains more clay, iron, or aluminum than the A, E, or C horizons.

(d) "C horizon." The deepest layer of soil profile. It consists of loose material or weathered rock that is relatively unaffected by biologic activity.

(49) "Spoil" means overburden and other materials, excluding topsoil, coal mine waste, and mined coal, that are excavated during surface coal mining and reclamation operations.

(50)(a) "Substantial legal and financial commitments" means significant investments, that have been made on the basis of a long-term coal contract, consisting of actual expenditures of substantial monies or execution of valid and binding contracts involving substantial monies for such things as power plants; railroads; coal handling, preparation, extraction, and storage facilities; and other capital-intensive activities such as:

1. Improvement or modification of coal lands within, for access to, or in support of surface coal mining and reclamation operations in the petitioned area;

2. Acquisition of capital equipment for use in, for access to, or for use in support of surface coal mining and reclamation operations in the petitioned area; and

3. Exploration, mapping, surveying, and geological work, as well as expenditures of engineering and legal fees, associated with the acquisition of the property or preparation of an application to conduct surface coal mining and reclamation operations in the petitioned area.

(b) The costs of acquiring the coal in place or the right to mine such coal are not sufficient to constitute a substantial legal and financial commitment in the absence of other investments as described in paragraph (a) of this subsection.

(51) "Surface coal mining and reclamation operations" is defined in KRS 350.010.

(52) "Surface coal mining operations" is defined in KRS 350.010.

(53) "Topsoil" means the A and E soil horizon layers of the four (4) master soil horizons.

(54) "Transfer, assignment, or sale of permit rights" means a change in ownership or other effective control over the right to conduct surface coal mining operations under a permit issued by the cabinet.

(55) "Underground development waste" means waste coal, shale, claystone, siltstone, sandstone, limestone, or similar materials that are extracted from underground workings in connection with underground

mining activities.

(56) "Underground mining activities" means a combination of:

(a) Surface operations incident to underground extraction of coal or in situ processing, including construction, use, maintenance, and reclamation of roads, aboveground repair areas, storage areas, processing areas, and shipping areas; areas upon which are sited support facilities including hoist and ventilating ducts; areas utilized for the disposal and storage of waste; and areas on which materials incident to underground mining operations are placed; and

(b) Underground operations such as underground construction, operation, and reclamation of shafts, adits, underground support facilities; in situ processing; and underground mining, hauling, storage, and blasting.

(57) "Valid existing rights" means:

(a) Except for haul roads, property rights in existence on August 3, 1977, that were created by a legally binding conveyance, lease, contract or other instrument which authorizes the applicant to produce coal and the person proposing to conduct a surface coal mining operation on the lands either:

1. Had been validly issued or had made a good faith effort to obtain, on or before August 3, 1977, all state and federal permits necessary to conduct surface coal mining operations on those lands, application for the permits being deemed to constitute good faith efforts to obtain the permits; or

2. Can demonstrate to the cabinet that the coal is both needed for, and immediately adjacent to, an ongoing surface coal mining operation for which all permits were obtained prior to August 3, 1977.

(b) For haul roads:

1. A recorded right-of-way, recorded easement, or a permit for coal haul road recorded as of August 3, 1977; or

2. Any other road in existence as of August 3, 1977.

(c) Valid existing rights does not mean the mere expectation of a right to conduct surface coal mining operations or the right to conduct underground coal mining.

(58) "Wetland" means land that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

(a) "Hydric soil" means soil that, in its undrained condition, is saturated, flooded, or ponded long enough during a growing season to develop an anaerobic condition that supports the growth and regeneration of hydrophytic vegetation.

(b) "Hydrophytic vegetation" means a plant growing in:

1. Water; or

2. A substrate that is at least periodically deficient in oxygen during a growing season as a result of excessive water content.

PHILLIP J. SHEPHERD, Secretary

JUDITH A. VILLINES, Commissioner

APPROVED BY AGENCY: July 14, 1992

FILED WITH LRC: July 15, 1992 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 27, 1992, at 9 a.m. at Hudson Hollow Office Park, #2 Hudson Hollow, Frankfort, Kentucky in Room D-16. Persons interested in being heard at this hearing shall notify this agency in writing by August 22, 1992, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. To assure an accurate record, the cabinet requests that each person testifying at the hearing provide the cabinet with a written copy of his or her testimony. No transcript of recording will automatically be taken of the hearing unless a written request for a transcript of recording is made, in which case the person making the request shall have the responsibility of paying for same. Written comments on the proposed amendment may be submitted at any time before 4:30 p.m. on August 27, 1992. Comments received after that time will not be considered. Written notification of intent to be heard at the public hearing and written comments must be submitted

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to the following contact person: Judith A. Villines, Department of Law, Fifth Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith A. Villines

(1) Type and number of entities affected: This regulation amends 405 KAR 24:001 by amending the definition of "person" to include the definition of person under KRS 446.010 which includes inter alia governmental bodies. The regulation therefore has an indirect effect on state, county and local governments. As such, the regulation will indirectly pertain to any person interested in or adversely affected by a determination or enforcement action initiated by the cabinet and also has an indirect impact on all active and inactive surface mining permits of which there are approximately 3,800.

(a) Direct and indirect costs or savings to those affected:

1. First year: None. This regulation, which is definitional in nature, should not have any fiscal impact.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None. This regulation, which is definitional in nature, should not have any fiscal impact on the cabinet.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were considered.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Tiering is not applicable to this proposed amendment because, under the federal and Kentucky surface mining laws and regulations, these requirements must apply equally to all entities.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 30 USC 1253, 1255, 1291. 7 CFR Part 657, 30 CFR Parts 700.5, 701.5, 707.5, 730, 731, 732, 733, 735, 761.5, 762.5, 773.5, 800.5, 843.5, 917.

2. State compliance standards. This regulation defines terms used in 405 KAR Chapter 24 and amends 405 KAR 24:001 by amending the definition of "person" to include the definition of person under KRS 446.010 which includes inter alia governmental bodies.

3. Minimum or uniform standards contained in the federal mandate. The federal regulations provide definitions of "person" as set forth in the federal surface mining regulations is substantially the same or similar to the definition proposed in the state regulation.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Not applicable.

CORRECTIONS CABINET (Proposed Amendment)

501 KAR 6:030. Kentucky State Reformatory.

RELATES TO: KRS Chapters 196, 197, 439

STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640

NECESSITY AND FUNCTION: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the secretary to adopt, amend or rescind regulations necessary and suitable for the proper administration of the cabinet or any division therein. These policies and procedures are incorporated by reference in order to comply with the accreditation standards of the American Correctional Association. These regulations are in conformity with those provisions.

Section 1. Pursuant to the authority vested in the Corrections Cabinet the following policies and procedures, revised July 15 [June 45], 1992, are incorporated by reference and shall be referred to as Kentucky State Reformatory Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601 or may be reviewed at the Office of General Counsel weekdays from 8 a.m. to 4:30 p.m.

KSR 01-00-09	Public Information and News Media Relations
KSR 01-00-10	Entry Authorization for All Cameras and Tape Recorders Brought into the Institution
KSR 01-00-14	Extraordinary Occurrence Report
KSR 01-00-15	Cooperation and Coordination with Oldham County Court
KSR 01-00-19	Personal Service Contract Personnel
KSR 01-00-20	Consent Decree Notification to Inmates
KSR 02-00-01	Inmate Canteen (Revised 7/15/92)
KSR 02-00-03	Screening Disbursements from Inmate Personal Accounts
KSR 02-00-11	Inmate Personal Accounts
KSR 02-00-12	Institutional Funds and Issuance of Checks [(Revised 6/45/92)]
KSR 04-00-02	Staff Training and Development
KSR 05-00-01	Officers' Daily Housing Security and Safety Log
KSR 05-00-02	Research Activities
KSR 05-00-03	Management Information Systems
KSR 06-00-01	Inmate Master File
KSR 06-00-02	Records Audit
KSR 06-00-03	Kentucky Open Records Law and Release of Psychological/ Psychiatric Information
KSR 07-00-02	Institutional Tower Room Regulations
KSR 07-00-04	Handling of PCB Articles and Containers
KSR 07-00-05	Proper Removal of Transformers
KSR 07-00-06	Asbestos Abatement
KSR 07-00-07	Discharge Monitoring Report (DMR)
KSR 07-00-08	Control of Hazardous Energy (Lockout or Tagout)
KSR 07-00-09	Inventory Control of Underground Storage Tanks
KSR 08-00-07	Inmate Family Emergency - Life Threatening Illness or Death in Inmate's Immediate Family
KSR 08-00-08	Death of an Inmate/Notification of Inmate Family in Case of Serious Injury, Critical Medical Emergency, Major Surgery
KSR 08-00-10	Hazardous Chemicals and Material Safety Data Sheet
KSR 09-00-04	Horizontal Gates/Box 1 Entry and Exit Procedure
KSR 09-00-05	Gate I Entrance and Exit Procedure
KSR 09-00-09	Contraband, Dangerous Contraband and Search Policy
KSR 09-00-14	Use of Force
KSR 09-00-21	Crime Scene Camera
KSR 09-00-22	Collection, Preservation, and Identification of Physical Evidence
KSR 09-00-23	Drug Abuse Testing
KSR 09-00-25	Inmate Motor Vehicle Operator's License

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KSR 09-00-26	Contraband Outside Institutional Perimeter	KSR 15-01-02	Operational Procedures and Rules and Regulations for Unit A, B, & C: Staff Operational Procedures
KSR 09-00-27	Construction Crew Entry/Exit	KSR 15-01-03	Operational Procedures and Rules and Regulations for Unit A, B & C: Inmate Rules and Regulations
KSR 09-00-28	Restricted Areas	KSR 15-01-04	Institutional Medical and Fire Safety Service: Unit Application (Revised 7/15/92)
KSR 09-00-29	Transportation of Inmates	KSR 15-01-05	Operational Procedures Rules and Regulations for Unit A, B, & C: Institutional Inmate Services
KSR 09-00-30	Parole Board	KSR 15-01-06	Operational Procedures and Rules and Regulations for Unit A, B & C: Inmate Honor Housing Criteria and Regulations
KSR 09-00-31	Forced Cell Move in Medium or Maximum Area	KSR 16-00-02	Inmate Correspondence and Mailroom Operations
KSR 10-00-12	Unit D - Designated Staff Visits	KSR 16-00-03	Inmate Access to Telephones
KSR 10-00-13	Unit D - Property Room Access	KSR 16-01-01	Visiting Regulations [(Revised 6/15/92)]
KSR 10-01-01	Unit D - Staffing Pattern, Staff Allocation, Position Description, Staff Selection, Training and Evaluation, Time and Attendance, and Unit Personnel Records	KSR 16-01-02	Lawn Visit Regulations
KSR 10-01-02	Unit D - General Operational Procedures	KSR 16-01-03	Night Visit Regulations
KSR 10-01-03	Unit D - Inmate Tracking System and Records System	KSR 17-00-03	Notifying Inmates' Families of Admission and Procedures for Mail and Visiting
KSR 10-01-04	Unit D - Administrative Segregation	KSR 17-00-05	Dormitory 10 Operations
KSR 10-01-05	Unit D - Disciplinary Segregation	KSR 17-00-06	Identification Department Admission and Discharge Procedures
KSR 10-01-06	Unit D - Protective Custody	KSR 17-00-07	Inmate Personal Property
KSR 10-01-07	Unit D - Geriatrics	KSR 17-00-08	Repair of Inmate Owned Appliances by Outside Dealers
KSR 10-01-08	Unit D - Safekeepers	KSR 18-00-04	Returns from Other Institutions
KSR 10-01-09	Unit D - Hold Ticket Residents	KSR 18-00-05	Transfer of Residents to Kentucky Correctional Psychiatric Center, and Referral Procedure for Residents Adjudicated Guilty but Mentally Ill
KSR 10-00-10	Unit D - and Unit E - Special Management Inmate Legal Access	KSR 18-00-06	Classification and Special Notice Form
KSR 10-01-11	Unit D - Behavior Problem Control	KSR 18-00-07	Kentucky State Reformatory Placement Committee
KSR 10-02-01	Mental Health Staffing Pattern	KSR 19-00-01	Inmate Work Incentives [(Revised 6/15/92)]
KSR 10-02-02	Unit E Designated Staff Visits	KSR 19-00-02	On-the-job Training Program
KSR 10-02-03	Unit E-1 Convalescent Care	KSR 19-00-03	Safety Inspections of Inmate Work Assignment Locations
KSR 10-02-04	Unit E-General Operating Procedures	KSR 19-00-05	Food Service On-The-Job Training and Workers Rules
KSR 11-00-01	Meal Planning for the General Population	KSR 20-00-01	Technical and Adult Basic Level Learning Center Programs
KSR 11-00-02	Special Diets	KSR 20-00-04	Criteria for Participation in A College Program
KSR 11-00-03	Food Service Inspections	KSR 21-00-01	Legal Aide Office and Inmate Law Library Services and Supervision
KSR 11-00-04	Dining Room Rules and Dress Code for Inmates	KSR 21-00-02	Inmate Library Services
KSR 11-00-06	Health Standards/Regulations for Food Service Employees	KSR 21-00-03	Library Services for Unit D
KSR 11-00-07	Early Chow Line Passes for Medically Designated Inmates	KSR 22-00-03	Inmate Organizations
KSR 12-00-01	Inmate Summer Dress Regulations	KSR 22-00-07	Inmate Magazine [(Revised 6/15/92)]
KSR 12-00-03	State Items Issued to Inmates	KSR 23-00-02	Chaplain's Responsibility and Inmate Access to Religious Representatives
KSR 12-00-07	Regulations for Inmate Barbershop	KSR 23-00-03	Religious Programming
KSR 12-00-09	Treatment of Inmates with Body Lice	KSR 25-00-01	Discharge of Inmates to Hospital or Nursing Home
KSR 13-00-02	Hospital Operations, Rules and Regulations	KSR 25-00-02	Violations of Law or Code of Conduct by Inmates on Parole Furlough
KSR 13-00-03	Medication for Inmates Leaving Institution Grounds	KSR 25-00-03	Preparole Progress Report
KSR 13-00-04	Medical and Dental Care		
KSR 13-00-05	Medical Records		
KSR 13-00-08	Institutional Laboratory Procedures		
KSR 13-00-09	Institutional Pharmacy Procedures		
KSR 13-00-10	Requirements for Medical Personnel		
KSR 13-00-11	Health Evaluation		
KSR 13-00-12	Vision Care/Optomety Services		
KSR 13-00-14	Periodic Health Examinations for Inmates		
KSR 13-00-15	Medical Alert System		
KSR 13-00-16	Suicide Prevention and Intervention Program		
KSR 13-00-17	Special Care		
KSR 13-02-01	Mental Health Services		
KSR 13-02-02	Mentally Retarded Inmates		
KSR 13-02-03	Suicide Prevention and Intervention Program		
KSR 13-02-04	Division of Mental Health's Residential Services		
KSR 14-00-01	Inmate Rights		
KSR 14-00-04	Inmate Grievance Procedure		
KSR 15-00-02	Regulations Prohibiting Inmate Control or Authority Over Other Inmate(s) (Revised 7/15/92)		
[KSR 15-00-04	Restoration of Forfeited Good Time (Deleted 7/15/92)]		
KSR 15-00-05	Differential Status for SU (QUIT) Inmates		
KSR 15-00-06	Inmate I.D. Cards (Revised 7/15/92)		
KSR 15-00-07	Inmate Rules and Discipline - Adjustment Committee Procedures		
KSR 15-00-08	Firehouse Living Area		
KSR 15-00-10	Program Services for Special Housing Placement		
KSR 15-01-01	Operational Procedures and Rules and Regulations for Unit A, B & C: Functions of Assigned Personnel		

JACK C. LEWIS, Commissioner
APPROVED BY AGENCY: July 15, 1992
FILED WITH LRC: July 15, 1992 at noon
PUBLIC HEARING: A public hearing on this regulation has been scheduled for August 25, 1992 at 9 a.m., in the State Office Building Auditorium. Those interested in attending this hearing shall notify in writing: Jack Damron and Tom Campbell, 5th Floor, State Office Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Jack Damron
(1) Type and number of entities affected: 578 employees of the Kentucky State Reformatory, 1402 inmates, and all visitors to state correctional institutions.
(a) Direct and indirect costs or savings to those affected:
1. First year: None
2. Continuing costs or savings: None

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3. Additional factors increasing or decreasing costs (note any effects upon competition): None
 - (b) Reporting and paperwork requirements: None
 - (2) Effects on the promulgating administrative body:
 - (a) Direct and indirect costs or savings:
 1. First year: None - All of the costs involved with the implementation of the regulations are included in the operational budget.
 2. Continuing costs or savings: Same as 2(a)1.
 3. Additional factors increasing or decreasing costs: Same as 2(a)1.
 - (b) Reporting and paperwork requirements: Monthly submission of policy revisions.
 - (3) Assessment of anticipated effect on state and local revenues: None
 - (4) Assessment of alternative methods; reasons why alternatives were rejected: None
 - (5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
 - (a) Necessity of proposed regulation if in conflict:
 - (b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
 - (6) Any additional information or comments: None
- TIERING: Was tiering applied? No. All policies are administered in a uniform manner.

CORRECTIONS CABINET (Proposed Amendment)

501 KAR 6:040. Kentucky State Penitentiary.

RELATES TO: KRS Chapters 196, 197, 439

STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640

NECESSITY AND FUNCTION: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the secretary to adopt, amend or rescind regulations necessary and suitable for the proper administration of the cabinet or any division therein. These policies and procedures are incorporated by reference in order to comply with the accreditation standards of the American Correctional Association. These regulations are in conformity with those provisions.

Section 1. Pursuant to the authority vested in the Corrections Cabinet the following policies and procedures, revised July [May] 15, 1992 are incorporated by reference and shall be referred to as Kentucky State Penitentiary Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601 or may be reviewed at the Office of General Counsel weekdays from 8 a.m. to 4:30 p.m.

KSP 000000-06	Administrative Regulations
KSP 010000-04	Public Information and Media Communication
KSP 020000-15	Legal Assistance
KSP 02-01-01	Inmate Commissary Program
KSP 02-12-01	Inmate Personal Funds
KSP 030000-01	Inventory Records and Control
KSP 030000-04	Requisition and Purchase of Supplies and Equipment
KSP 040000-01	Management Information System
KSP 040000-02	Inmate Records
KSP 060000-01	Special Security Unit
KSP 060000-02	Special Management Units: Assignment, Classification Review and Release
KSP 060000-04	Protective Custody Unit
KSP 070000-01	Hospital Services (Deleted 7/15/92)
KSP 070000-02	Sick Call (Deleted 7/15/92)
KSP 070000-03	Health Evaluations (Deleted 7/15/92)
KSP 070000-04	Consultations (Deleted 7/15/92)
KSP 070000-05	Emergency Medical Procedure (Deleted 7/15/92)
KSP 070000-13	Pharmacy Procedures (Deleted 7/15/92)

KSP 070000-14	Medical Records (Deleted 7/15/92)
KSP 070000-16	Psychiatric and Psychological Services (Deleted 7/15/92)
KSP 070000-17	Dental Services for Special Management Units (Deleted 7/15/92)
KSP 070000-19	Optometric Services (Deleted 7/15/92)
KSP 070000-20	Menu Preparation and Planning
KSP 070000-24	Food Service, General Sanitation, Safety, and Protection Standards and Requirements
KSP 070000-25	Food Service Inspections
KSP 070000-30	Therapeutic Diets
KSP 090000-01	Inmate Work Programs/Safety Inspections of Inmate Work Locations
KSP 09-08-01	Searches and Preservation of Evidence
KSP 100000-03	Disposition of Unauthorized Property
KSP 100000-05	Procedures for Providing Clothing, Linens and Other Personal Items
KSP 100000-06	Inmate Mail and Packages
KSP 100000-08	Behavioral Counseling Record
KSP 100000-09	Due Process/Disciplinary Procedures
KSP 100000-14	Property Room: Clothing Storage and Inventory
KSP 100000-15	Uniform Cell Standards for Fire Safety, Sanitation and Security
KSP 100000-18	Inmate Grievance Committee Hearings
KSP 100000-20	Legal Services Program
KSP 100000-21	Photocopies for Nonindigent Inmates with Special Court Deadlines
KSP 110000-04	Parole Progress Report
KSP 110000-06	General Guidelines of the Classification Committee
KSP 110000-07	Statutory Good Time Restoration
KSP 110000-08	Award of Meritorious Good Time
KSP 110000-10	Special Needs Inmates
KSP 110000-12	Unit Classification Committee - Inmate Work Assignments
KSP 110000-13	Classification Document
KSP 110000-15	Transfers to Kentucky Correctional Psychiatric Center (KCPC)
KSP 110000-16	Consideration of Further Treatment Requirements for Inmates Prior to Release
KSP 110000-18	Functions of the Classification Committee
KSP 120000-07	Community Center Program
KSP 120000-08	Inmate Furloughs
KSP 120000-11	Religious Services - Staffing
KSP 120000-18	Religious Services - Religious Programming
KSP 120000-20	Marriage of Inmates
KSP 120000-31	Extended Furloughs
KSP 120000-32	Discharge of Inmates by Shock Probation
<u>KSP 13-01-01</u>	<u>Pharmacy Procedures (Added 7/15/92)</u>
<u>KSP 13-02-01</u>	<u>Hospital Services (Added 7/15/92)</u>
<u>KSP 13-02-02</u>	<u>Sick Call (Added 7/15/92)</u>
<u>KSP 13-02-03</u>	<u>Health Evaluations (Added 7/15/92)</u>
<u>KSP 13-02-04</u>	<u>Emergency Medical Procedure (Added 7/15/92)</u>
<u>KSP 13-02-05</u>	<u>Consultations (Added 7/15/92)</u>
<u>KSP 13-02-08</u>	<u>Medical Records (Added 7/15/92)</u>
<u>KSP 13-02-09</u>	<u>Psychiatric and Psychological Services (Added 7/15/92)</u>
KSP 13-02-12	Dental Services for Special Management Units (Added 7/15/92)
KSP 13-02-13	Optometric Services (Added 7/15/92)
KSP 130000-10	Execution Plan
KSP 15-01-01	Inmate Grooming and Dress Code
KSP 16-01-01	Visiting Program [(Revised 5/15/92)]
KSP 16-03-02	Inmate Telephone Access
KSP 17-01-01	Inmate Personal Property
KSP 19-05-01	Correctional Industries
KSP 20-04-01	Educational Programs

JACK C. LEWIS, Commissioner

APPROVED BY AGENCY: July 15, 1992

FILED WITH LRC: July 15, 1992 at noon

ADMINISTRATIVE REGISTER - 501

PUBLIC HEARING: A public hearing on this regulation has been scheduled for August 27, 1992 at 9 a.m., in the Auditorium of the State Office Building. Those interested in attending this hearing shall notify in writing: Jack Damron and Tom Campbell, Corrections Cabinet, 5th Floor, State Office Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Jack Damron

(1) Type and number of entities affected: 335 employees of the Kentucky State Penitentiary, 811 inmates, and all visitors to state correctional institutions.

(a) Direct and indirect costs or savings to those affected:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None - All of the costs involved with the implementation of the regulations are included in the operational budget.

2. Continuing costs or savings: Same as 2(a)1.

3. Additional factors increasing or decreasing costs: Same as 2(a)1.

(b) Reporting and paperwork requirements: Monthly submission of policy revisions.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: None

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. All policies are administered in a uniform manner.

CORRECTIONS CABINET (Proposed Amendment)

501 KAR 6:060. Northpoint Training Center.

RELATES TO: KRS Chapters 196, 197, 439

STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640

NECESSITY AND FUNCTION: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the secretary to adopt, amend or rescind regulations necessary and suitable for the proper administration of the cabinet or any division therein. These policies and procedures are incorporated by reference in order to comply with the accreditation standards of the American Correctional Association. These regulations are in conformity with those provisions.

Section 1. Pursuant to the authority vested in the Corrections Cabinet the following policies and procedures, revised June 24 [46], 1992, are incorporated by reference and shall be referred to as Northpoint Training Center Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601 or may be reviewed at the Office of General Counsel weekdays from 8 a.m. to 4:30 p.m.

NTC 01-05-01 Extraordinary Occurrence Reports
NTC 01-10-01 Legal Assistance for Staff
NTC 01-11-01 Political Activities of Merit Employees
NTC 01-15-01 Establishment of the Warden as Chief Executive Officer

NTC 01-17-01 Relationships with Public, Media and Other Agencies
NTC 02-02-02 Warden's Participation in the Agency Budgeting Process
NTC 02-03-01 Fiscal Management: Audits
NTC 02-04-01 Internal Control and Monitoring of Accounting Procedures
NTC 02-07-02 Chapel Fund
NTC 02-08-01 Inmate Canteen
NTC 02-10-01 Insurance Coverage
NTC 02-12-01 Inmate Personal Accounts
NTC 04-01-01 Training and Staff Development
NTC 04-04-01 Firearms and Chemical Agents Training
NTC 06-01-01 Offender Records
NTC 06-01-02 Records - Release of Information
NTC 06-01-03 Taking Offender Record Folders onto the Yard
NTC 08-05-01 The Fire and Safety Officer
NTC 08-05-02 Fire Procedures
NTC 08-05-03 Fire Prevention
NTC 08-05-04 Storage of Flammables and Dangerous Chemicals and Their Use
NTC 08-07-01 Safety Standards
NTC 10-01-01 Special Management Unit [(Revised 6/15/92)]
NTC 10-02-01 Protective Custody Unit [(Revised 6/15/92)]
NTC 10-03-01 Protective Custody [(Revised 6/15/92)]
NTC 11-03-01 Food Services: General Guidelines
NTC 11-04-01 Food Service: Meals
NTC 11-04-02 Menu, Nutrition and Special Diets
NTC 11-05-02 Health Standards and Regulations for Food Service Employees
NTC 11-06-01 Inspection and Sanitation
NTC 11-07-01 Purchasing and Storage of Food Products
NTC 12-01-01 Institutional Inspection
NTC 12-02-01 Personal Hygiene for Inmates; Clothing and Linens
NTC 12-02-02 Issuance of Personal Hygiene Products
NTC 13-01-01 Emergency Medical Care Plan
NTC 13-01-02 Emergency and Specialized Health Services
NTC 13-02-01 Administration and Authority for Health Services
NTC 13-03-01 Sick Call and Pill Call
NTC 13-04-01 Utilization of Pharmaceutical Products
NTC 13-05-01 Dental Services
NTC 13-05-02 Health Maintenance Dental Services
NTC 13-05-03 Dental Radiation Levels [(Revised 6/15/92)]
NTC 13-05-04 Attest Steam Incubator [(Revised 6/15/92)]
NTC 13-06-01 Licensure and Training Standards [(Revised 6/15/92)]
NTC 13-07-01 Provisions for Health Care Delivery [(Revised 6/15/92)]
NTC 13-08-01 Medical and Dental Records [(Revised 6/15/92)]
NTC 13-09-01 Special Diets [(Revised 6/15/92)]
NTC 13-11-01 Inmate Health Screening and Evaluation [(Revised 6/15/92)]
NTC 13-12-01 Special Health Care Programs [(Revised 6/15/92)]
NTC 13-17-01 Inmates Assigned to Health Services [(Revised 6/15/92)]
NTC 13-19-01 Mental Health Care Program
NTC 13-19-03 Suicide Prevention and Intervention Program [(Revised 6/15/92)]
NTC 13-20-01 Infectious Disease
NTC 13-20-02 Infection Control
NTC 13-20-03 Disposal of Biohazard Waste [(Revised 6/15/92)]
NTC 13-21-01 Vision Care and Optometry Services [(Revised 6/15/92)]
NTC 13-22-01 Informed Consent [(Revised 6/15/92)]
NTC 13-23-01 Special Needs Inmates [(Revised 6/15/92)]
NTC 14-01-01 Legal Services Program (Revised 6/24/92)
NTC 14-01-02 Receiving, [and] Viewing, Handling and Storage of Video Tapes (Revised 6/24/92)
NTC 14-02-01 Inmate Grievance Procedure (Revised 6/24/92)
NTC 14-03-01 Inmate Rights and Responsibilities (Revised 6/24/92)
NTC 14-03-02 Board of Claims (Revised 6/24/92)
[NTC 14-04-01 Inmate Search Policy (Deleted 6/24/92)]

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NTC 15-01-01	Restoration of Forfeited Good Time (<u>Revised 6/24/92</u>)
NTC 15-02-01	Due Process/Disciplinary Procedures (<u>Revised 6/24/92</u>)
NTC 15-02-02	Extra Duty Assignments (<u>Revised 6/24/92</u>)
NTC 15-02-03	Hearing Officer (<u>Revised 6/24/92</u>)
NTC 15-03-01	Rules for Inmates Assigned to Outside Detail (<u>Revised 6/24/92</u>)
NTC 15-03-02	Rules and Regulations for General Population Dormitories (<u>Revised 6/24/92</u>)
NTC 15-03-03	Rules and Regulations for Protective Custody Dormitories (<u>Revised 6/24/92</u>)
NTC 15-04-01	Inmate Identification (<u>Revised 6/24/92</u>)
NTC 16-01-01	Mail Regulations (<u>Revised 6/24/92</u>)
NTC 16-02-01	Visiting
NTC 16-02-02	Extended and Special Visits
NTC 16-02-03	Honor Dorm Visiting
NTC 16-03-01	Inmate Furloughs (<u>Revised 6/24/92</u>)
NTC 16-05-01	Telephone Use and Control (<u>Revised 6/24/92</u>)
NTC 17-01-01	Personal Property Control
NTC 17-01-02	Authorized Inmate Personal Property
NTC 17-01-03	Unauthorized Inmate Property
NTC 17-01-04	Disposition of Unauthorized Property
NTC 17-01-05	State Issue and Required Inmate Clothing
NTC 17-03-01	Assessment/Orientation
NTC 18-01-01	Parole Progress Report
NTC 18-02-01	Classification
NTC 18-02-02	Classification - 48 Hour Notification
NTC 18-03-01	Special Notice Form
NTC 18-05-01	Transfers of Inmates
NTC 18-05-02	Transfer of Inmates to Kentucky Correctional Psychiatric Center
NTC 19-01-01	Inmate Work Program
NTC 19-01-03	Temporary Leave from Job Assignment
NTC 19-02-01	Correctional Industries
NTC 19-02-02	Guidelines for Correctional Industries
NTC 20-01-01	Academic School Program
NTC 20-02-01	Vocational School
NTC 20-02-02	Live Work Projects in Vocational School Classes
NTC 21-01-01	Library Services
NTC 22-03-01	Conducting Inmate Organizational Meetings and Programs
NTC 23-01-01	Religious Services
NTC 23-03-01	Marriage of Inmates
NTC 24-04-01	Honor Status
NTC 24-05-01	Unit Management
NTC 25-01-01	Release Preparation Program
NTC 25-01-02	Temporary Release/Community Center Release
NTC 25-01-03	Graduated Release
NTC 25-02-01	Funeral Trips and Bedside Visits
NTC 25-03-01	Inmate Release Procedure
NTC 26-01-01	Citizen Involvement and Volunteer Services Program

JACK C. LEWIS, Commissioner

APPROVED BY AGENCY: June 24, 1992

FILED WITH LRC: June 24, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for August 25, 1992, at 9 a.m., in the State Office Building Auditorium. Those interested in attending this hearing shall notify in writing: Jack T. Damron and Tom Campbell, Corrections Cabinet, 5th Floor, State Office Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Jack Damron

(1) Type and number of entities affected: 278 employees of the Northpoint Training Center, 906 inmates, and all visitors to state correctional institutions.

(a) Direct and indirect costs or savings to those affected:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None - All of the costs involved with the implementation of the regulations are included in the operational budget.

2. Continuing costs or savings: Same as 2(a)1.

3. Additional factors increasing or decreasing costs: Same as 2(a)1.

(b) Reporting and paperwork requirements: Monthly submission of policy revisions.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: None

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. All policies are administered in a uniform manner.

CORRECTIONS CABINET (Proposed Amendment)

501 KAR 6:070. Kentucky Correctional Institution for Women.

RELATES TO: KRS Chapters 196, 197, 439

STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640

NECESSITY AND FUNCTION: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the secretary to adopt, amend or rescind regulations necessary and suitable for the proper administration of the cabinet or any division therein. These policies and procedures are incorporated by reference in order to comply with the accreditation standards of the American Correctional Association. These regulations are in conformity with those provisions.

Section 1. Pursuant to the authority vested in the Corrections Cabinet the following policies and procedures, revised July [April] 15, 1992, are incorporated by reference and shall be referred to as Kentucky Correctional Institution for Women Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601 or may be reviewed at the Office of General Counsel on weekdays between 8 a.m. to 4:30 p.m.

KCIW 01-06-01	Legal Assistance for Corrections Staff
KCIW 01-08-01	News Media Access
KCIW 02-01-01	Comprehensive Insurance Coverage (<u>Revised 7/15/92</u>)
KCIW 02-02-01	Fiscal Management: Audits (<u>Revised 7/15/92</u>)
KCIW 02-02-03	Fiscal Management: Checks
KCIW 02-02-04	Institution Purchasing Procedures
KCIW 02-03-01	Inventory Control of Nonexpendable Personal Property
KCIW 02-03-02	Inventory and Control of Stores
KCIW 02-04-01	Accounting Procedures
KCIW 02-05-01	Inmate Canteen and Staff Canteen
KCIW 06-01-01	Inmate Records
KCIW 06-01-02	Transfers to Community Centers and the Minimum Security Unit
KCIW 06-01-03	Storage of Expunged Records
KCIW 10-01-01	Special Management Unit General Operation and Regulations
KCIW 10-01-02	Special Management Unit Programs, Placement and Review

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KCIW 10-01-04 Special Security
 KCIW 11-01-01 Food Service Operation Inspections
 KCIW 11-01-02 Budgeting, Accounting, and Purchasing Procedures for Food Products
 KCIW 11-02-01 Menu Preparation/Special Diets
 KCIW 11-03-01 General Guidelines for Food Service Workers
 KCIW 11-03-02 General Guidelines for Food Service Workers
 KCIW 11-04-01 Health Regulations and General Guidelines for the Food Service Area
 KCIW 12-01-01 Control of Pests and Vermin
 KCIW 12-02-01 Laundry and Clothing Issuance
 KCIW 12-02-03 Donated Items
 KCIW 12-04-01 Sanitation and General Living Conditions
 KCIW 12-04-02 Hair Care Services
 KCIW 13-01-01 Provision of Medical and Dental Care
 KCIW 13-01-02 Preliminary Health Screening and Appraisal
 KCIW 13-01-03 Use of Pharmaceutical Products
 KCIW 13-03-01 Emergency Care
 KCIW 13-03-02 Infirmary Care and Outside Services ~~[(Revised 4/15/92)]~~
 KCIW 13-04-01 Medical Alert System
 KCIW 13-04-02 Psychiatric/Psychological Services
 KCIW 13-06-01 Informed Consent ~~[(Revised 4/15/92)]~~
 KCIW 13-07-01 Detoxification and Alcohol or Chemical Dependency Guidelines
 KCIW 13-08-01 Medical Examination for Employees
 KCIW 13-09-01 Suicide Prevention and Intervention Program
 KCIW 13-11-01 Infection Control
 KCIW 14-01-02 Inmate Rights ~~[(Revised 4/15/92)]~~
 KCIW 14-02-01 Access to Attorneys and Designated Counsel Substitutes ~~[(Revised 4/15/92)]~~
 KCIW 14-04-01 Inmate Grievance Procedure
~~[KCIW 15-01-01 Offenses and Penalties (Deleted 7/15/92)]~~
 KCIW 15-01-02 Adjustment Committee Procedures and Programs
 KCIW 15-03-01 Inmate Rule Book
~~[KCIW 15-04-01 Honor Program (Deleted 7/15/92)]~~
 KCIW 15-06-01 Restriction Guidelines
 KCIW 16-01-01 Inmate Correspondence
~~[KCIW 16-01-03 Staff Mail (Deleted 7/15/92)]~~
 KCIW 16-02-01 Inmate Access to Telephone
 KCIW 16-02-02 Intra-Institution Phone Calls
 KCIW 16-03-01 Inmate Visiting Regulations
 KCIW 16-03-02 Unauthorized Items for Picnic Lunches, Food Packages and Regular Packages
 KCIW 16-04-01 Inmate Indigent Fund
 KCIW 16-05-01 Inmate Packages (Revised 7/15/92)
 KCIW 17-01-01 Assessment Center Operation and Reception Programs (Revised 7/15/92)
 KCIW 17-01-02 Assessment/Classification Center Operations, Rules and Regulations
 KCIW 17-01-03 Assessment and Classification Unit Property Guidelines
 KCIW 17-02-01 Identification Department Admissions
~~[KCIW 17-03-01 Notifying Inmates Families of Admission and Procedures for Mail and Visiting (Deleted 7/15/92)]~~
 KCIW 17-05-01 Inmate Personal Property Guidelines
 KCIW 18-01-02 Institutional Housing Assignments
 KCIW 18-01-03 Honor Program (Added 7/15/92)
 KCIW 18-02-01 Classification Procedures
 KCIW 18-05-01 Special Needs Inmates
 KCIW 18-06-01 Institutional Status Codes
 KCIW 19-01-01 Inmate Work/Program Assignments
 KCIW 19-03-01 Landscape and Maintenance Work Details
 KCIW 20-01-01 Education Programs
 KCIW 20-01-03 Vocational Education: Curriculum Flexible Schedule, Upgrade Programs and Release Preparation Program
 KCIW 20-01-04 Entry - Exit Vocational School
 KCIW 20-01-05 Vocational Programs: Approved, Assessed and Contain Guidelines for Vocational Records
 KCIW 20-01-06 Vocational Education: Staffing Pat-

terns/Requirements
 KCIW 20-01-07 Vocational Counselor
 KCIW 20-01-08 Vocational Education: Community Resources and the Integration with Academic Progress
 KCIW 20-01-09 Vocational Education: Support Equipment
 KCIW 20-01-10 Control of Flammable, Hazardous, Toxic and Caustic Materials in the Vocational Area
 KCIW 22-01-04 Inmate Club Activities
 KCIW 23-01-01 Religious Services
 KCIW 25-01-01 Parole Progress Report
 KCIW 25-02-01 Temporary Release/Community Center
 KCIW 25-02-02 Furloughs (Revised 7/15/92)
 KCIW 25-03-01 Escorted Community Leave

JACK C. LEWIS, Commissioner

APPROVED BY AGENCY: July 15, 1992

FILED WITH LRC: July 15, 1992 at noon

PUBLIC HEARING: A public hearing on this regulation has been scheduled for August 25, 1992, at 9 a.m., in the State Office Building Auditorium. Those interested in attending this hearing shall notify in writing: Jack Damron or Tom Campbell, Corrections Cabinet, 5th Floor, State Office Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Jack Damron

(1) Type and number of entities affected: 126 employees of the Kentucky Correctional Institution for Women, 334 inmates, and all visitors to state correctional institutions.

(a) Direct and indirect costs or savings to those affected:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None - All of the costs involved with the implementation of the regulations are included in the operational budget.

2. Continuing costs or savings: Same as 2(a)1.

3. Additional factors increasing or decreasing costs: Same as 2(a)1.

(b) Reporting and paperwork requirements: Monthly submission of policy revisions.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: None

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. All policies are administered in a uniform manner.

TRANSPORTATION CABINET Department of Vehicle Registration Division of Motor Vehicle Licensing (Proposed Amendment)

601 KAR 9:130. Motor vehicle registration.

RELATES TO: KRS Chapters 186, 186A

STATUTORY AUTHORITY: KRS 186.020, 186.041, 186.042, 186.044, 186.053, 186.1701, 186.1702, 186.171, 186.172, 186.1721, 186.1723, 186.173, 186.1731, 186.1732, 186.1751, 186.177, 186.178, 186.179, 186.182, 186.185, 1992 Acts ch. 404 [Chapter 47, Appendix A, Part IV, Preamble]

ADMINISTRATIVE REGISTER - 504

NECESSITY AND FUNCTION: KRS 186.020 requires owners of motor vehicles to apply for registration in accordance with administrative regulations issued by the Transportation Cabinet before operating the motor vehicle or permitting its operation. Other sections of KRS Chapter 186 either permit or require the Transportation Cabinet to adopt administrative regulations regarding the issuance of special license plates to motor vehicles during registration of the vehicle. This administrative regulation establishes those procedures. [In addition, House Bill 616, the Executive Budget Bill passed by the 1988 General Assembly, requires that the initial application for a special license plate which serves to recognize specific groups or associations shall have a registration fee of fifty (50) dollars. This administrative regulation specifically sets forth the time periods when the fifty (50) dollars is to be paid.]

Section 1. Vehicle Transaction Record Form. (1) The vehicle transaction record form required by KRS 186A.060 shall serve as the application for first time vehicle registration. The certificate of registration issued when a vehicle is registered in Kentucky shall serve as the application for renewal of registration.

(2) The "Vehicle Transaction Record" form TC 96-182 as revised March, 1989 is incorporated by reference in this administrative regulation. A copy of the form may be obtained, copied or viewed at the office of any county clerk or from the Department of Vehicle Regulation, Division of Motor Vehicle Licensing, 2nd Floor, State Office Building, 501 High Street, Frankfort, Kentucky 40622. The office hours of the Division of Motor Vehicle Licensing are 8 a.m. to 4:30 p.m. eastern time, Monday through Friday, except holidays.

Section 2. Title in Motor Vehicle. During the fifteen (15) day period KRS 186.020(1) allows a person to register a newly acquired motor vehicle or a new Kentucky resident to register his motor vehicle:

(1) An assigned title shall be carried in the motor vehicle if the vehicle was last licensed in a title issuing jurisdiction; or

(2) If the jurisdiction in which the motor vehicle was last licensed does not issue titles, the standard document for perfecting the sale of the motor vehicle in the licensing jurisdiction shall be carried in the vehicle.

Section 3. Found License Plate. Any person finding a lost, unexpired registration plate shall deliver it to the Department of Vehicle Regulation or to any county clerk.

Section 4. Temporary Kentucky Residents. (1) Any full-time college student or member of the armed forces who is temporarily maintaining a place of abode in Kentucky while attending a Kentucky college or university or while stationed at a military facility shall not be [is not] required to register his vehicle in Kentucky if he maintains residency in his home state.

(2) However, the following [the purchase of property in Kentucky, registration to vote in Kentucky or the possession of a valid Kentucky operator's license] shall be legally sufficient to establish a case that the vehicle owner is a resident of Kentucky and therefore required to register the vehicle in Kentucky:

(a) The purchase of property in Kentucky;

(b) Registration to vote in Kentucky; or

(c) The application for or possession of a Kentucky motor vehicle operator's license.

Section 5. Placement of License Plate and Renewal Decal. (1) No license plate shall be placed on a motor vehicle other than the one for which it was issued.

(2) No renewal decal shall be placed on any license plate except the plate for which the renewal decal was issued.

(3) A renewal decal shall only be placed on its associated license plate in the indentation provided for a decal.

Section 6. Lost or Stolen Special Plates. If a special license plate is lost or stolen the individual responsible for the registration of the vehicle may secure a replacement special license plate by following

the provision of KRS 186.180.

~~[Section 7. Fee for License Plates which Recognize Specific Groups or Associations. The one (1) time fifty (50) dollar initial registration fee imposed by KRS Chapter 47, Appendix A, shall be paid at the time of any initial application subsequent to July 15, 1988 by the person responsible for the vehicle registration. Beginning July 1, 1990, the fifty (50) dollar fee shall expire. However, the registration fees imposed in KRS Chapter 186 shall not expire.]~~

Section 7. [8.] Renewal Decals on Special Plates. (1) Registration for vehicles with license plates issued under the authority of KRS 186.173, 186.1731, 186.1732 and 186.182 are required to be renewed each year to remain valid.

(2) The [However, the] Transportation Cabinet shall have the authority to determine if a new license plate shall be issued or if the renewal is validated by placing a renewal decal on the existing license plate.

(3) If [However, it] the special national guard plate, civil air patrol plate, congressional medal of honor recipient plate or army reserve plate deteriorates to the point where the inscriptions are not discernible, the owner may obtain a replacement plate free of charge.

Section 8. [9.] National Guard License Plates. (1) Taxicabs, airport shuttle vehicles, limousines, and U-drive-it vehicles registered under the provisions of KRS 186.050(1) shall not be issued a national guard license plate under the provisions of KRS 186.173.

(2) If the applicant for a national guard license plate is a Kentucky national guard retiree, his application shall be signed by the custodian of military records, Department of Military Affairs. The custodian's signature shall certify that the applicant is a retiree of the Kentucky National Guard with twenty-five (25) years of service.

Section 9. [10.] Disabled Veterans License Plate. A license plate may only be issued to a disabled veteran under the provisions of KRS 186.041(2) for use on a vehicle which would normally be registered under the provisions of KRS 186.050(1) or (3)(a).

Section 10. [11.] Armed Forces License Plate. The special armed forces reserve license plate created by KRS 186.1732 shall be made available to any eligible current member of any branch of the United States military reserves. It shall also be made available to any eligible retired reservist with twenty-five (25) years of service.

Section 11. Application for Special License Plate. (1) An applicant for any special license plate shall make application on the form prescribed by the Transportation Cabinet. The application shall be submitted to the Transportation Cabinet or the county clerk in his county of residence as required by the authorizing statute and so stated on the application form.

(2) The special license plate application forms listed below are incorporated by reference. Copies of these forms may be obtained, copied or viewed at the Transportation Cabinet, Department of Vehicle Regulation, Division of Motor Vehicle Licensing, 2nd Floor, State Office Building, 501 High Street, Frankfort, Kentucky 40622 or the office of any county clerk. The regular business hours of the Division of Motor Vehicle Licensing are 8 a.m. to 4:30 p.m., eastern time, Monday through Friday, except holidays. Its telephone number is (502)564-5301.

(a) TC 96-1, Application for University License Plate as revised February, 1991;

(b) TC 96-7, Application for Fraternal Order of Police Plate as revised June, 1990;

(c) TC 96-11, Application for Street Rod License Plate as revised March 1992;

(d) TC 96-103, Application for Masonic License Plate as revised June, 1992;

(e) TC 96-104, Application for Purple Heart Recipient License Plate as revised November, 1988;

(f) TC 96-105, Application for Military Reserve Plate as revised August, 1991;

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(g) TC 96-205, Application for Handicapped Persons, Special Registration Plate as revised May, 1992;

(h) TC 96-207, Application for Volunteer Firefighter Plate as revised July, 1982;

(i) TC 96-208, Application for Prisoner of War Plate as revised May, 1992;

(j) TC 96-216, Statement of Current Service in Kentucky National Guard as revised December, 1983;

(k) TC 96-217, Application for Disabled Veterans Free Certificate of Registration and License Plates, as revised February, 1991;

(l) TC 96-218, Application for Personalized License Plates as revised March, 1990;

(m) TC 96-219, Application for Special Radio Operator License Plate as revised March, 1990;

(n) TC 96-220, Application for Special Legislative Plates as revised March, 1990;

(o) TC 96-221, Application for Special Judiciary Plates as revised March, 1990;

(p) TC 96-222, Application for Dealer Demo License Plate as revised November, 1989;

(q) TC 96-224, Application for Civil Air Patrol as revised October, 1986;

(r) TC 96-227, Application for National Guard Retiree as revised June, 1984;

(s) TC 96-228, Application for Disaster and Emergency Services Plate as revised June, 1984, and

(t) TC 96-310, Application for Pearl Harbor Survivor Plate as revised June, 1992.

(3) An applicant for one (1) of the special license plates listed in subsection (2) of this section shall complete the appropriate form incorporated by reference and for the following special license plates provide the additional required information:

(a) Volunteer firefighter license plate - written evidence of applicant's current status as a volunteer firefighter signed by the mayor or trustee or county judge/executive (whomever is appropriate);

(b) Military reserve license plate - written proof of membership or prior service in a branch of the United States military reserve;

(c) Purple Heart recipient license plate - written proof from the United States Department of Defense or the Veterans Administration that the applicant is a recipient of a Purple Heart medal;

(d) Civil Air Patrol license plate - a certification that the applicant is a member of the Civil Air Patrol which includes the applicant's Social Security number and the expiration date of the applicant's Civil Air Patrol membership. He shall also present the Civil Air Patrol membership card to the county clerk;

(e) Prisoner of war license plate - written evidence from the United States Department of Defense that:

1. The applicant was a prisoner of war at the time of his imprisonment; or

2. The deceased spouse of the applicant was a prisoner of war at the time of his imprisonment;

(f) Street rod license plate - sufficient manufacturer's information, title documents or photographs to prove that the vehicle either was manufactured prior to 1949 or was manufactured to look like it was built prior to 1949;

(g) Fraternal Order of Police license plate - a copy of the applicant's current membership card from the Fraternal Order of Police. The reverse side of the membership card shall be signed by the National Secretary of the Grand Lodge, Fraternal Order of Police;

(h) Pearl Harbor survivor license plate - written evidence from the Kentucky Chapter of Pearl Harbor Survivors Association that the applicant is a Pearl Harbor survivor;

(i) Disaster and emergency services license plate - written evidence of applicant's current status as a current member of either a disaster and emergency services organization or a volunteer rescue squad signed by the appropriate mayor, county judge/executive or DES coordinator;

(j) Handicapped license plate - evidence that the applicant has been issued a disabled veteran license plate pursuant to KRS 186.041 or that the applicant has provided the proof of handicap required by KRS 186.042(3); and

(k) Masonic license plate - a current calendar year membership card in the Masonic Orders. A member of the Eastern Star affiliation is ineligible for the Masonic Order license plate.

(l) Disabled veterans free certificate of registration and license plates - documentation from the Veterans Administration:

1. Of the seventy (70) percent or greater disability of the applicant; or

2. Of financial assistance given for the motor vehicle purchase or the adaptation of a motor vehicle so that it can be used by a disabled person.

Section 12. The special license plate motor vehicle registrations which do not have an expiration date established by KRS Chapter 186 shall expire each December 31.

Section 13. An applicant for a special license plate issued pursuant to KRS 186.041, 186.042, 186.044, 186.053, 186.1701, 186.1702, 186.172, 186.1721, 186.1723, 186.1731, 186.1732, 186.174, 186.1751, 186.182, 186.185, and Chapter 404 of the 1992 Acts of the General Assembly shall make individual application for the special license plate to be issued to each separate motor vehicle.

Section 14. 601 KAR 9:145, Fraternal Order of Police special license plates, is hereby repealed.

NORRIS BECKLEY, Deputy Commissioner

DON C. KELLY, Secretary

APPROVED BY AGENCY: June 25, 1992

FILED WITH LRC: June 29, 1992 at 3 p.m.

PUBLIC HEARING: A public comment hearing will be held on this administrative regulation on August 26, 1992 at 10 a.m., local prevailing time in the Fourth Floor Hearing Room of the State Office Building located at the corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by August 21, 1992 so notify this agency. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public comment hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the administrative regulation. If the hearing is cancelled, written comments will only be accepted until August 21, 1992. Send written notification of intent to attend the public hearing or written comments on the administrative regulation to: Sandra G. Pullen, Staff Assistant, Transportation Cabinet, 1001 State Office Building, 501 High Street, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sandra G. Pullen

(1) Type and number of entities affected: The owners of the more than 2 million motor vehicles registered in Kentucky.

(a) Direct and indirect costs or savings to those affected: None as a result of this amendment.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: The forms to be used in applying for a special license plate are identified in the regulation.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues:

None

(4) Assessment of alternative methods; reasons why alternatives were rejected: State law was changed during the 1992 General

Assembly regarding 2 of the special license plates. The administrative regulation needed to be amended to reflect that.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

TIERING: Was tiering applied? Yes. Different proofs of eligibility are required for each type of special license plate. The more exclusive "the plate", the more rigid the criteria for purchasing the plate.

TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Motor Carriers
Office of General Counsel
(Proposed Amendment)

601 KAR 40:020. Application for license to operate vehicles transporting municipal solid waste.

RELATES TO: KRS 174.450

STATUTORY AUTHORITY: KRS 174.450

NECESSITY AND FUNCTION: KRS 174.450(9) requires that the Transportation Cabinet promulgate administrative regulations to establish a municipal solid waste transportation licensing program by August 26, 1991, and that on or after November 26, 1991, that each vehicle being used to transport municipal solid waste be identified by the licensee.

Section 1. (1) An applicant for a license to operate municipal solid waste transportation vehicles within the Commonwealth of Kentucky, shall apply to the Transportation Cabinet, Office of General Counsel, 501 High Street, Frankfort, Kentucky 40622.

(2) The following information shall be provided in, or with, the application:

(a) Name in which license is sought. (NOTE: This name shall be identical to the motor carrier's current KYU number issued by the Department of Vehicle Regulation, if applicable. See question below relating to Kentucky Highway Use Tax Identification Number);

(b) Business address, including street address, city, state and zip code;

(c) Telephone number;

(d) Name of a natural person who is either the applicant, or an officer of the applicant, position of this person, Social Security number of this person and home address of this person;

(e) Number of vehicles which the licensee intends to operate;

(f) If the applicant is not a resident of Kentucky and anticipates transporting municipal solid waste from outside Kentucky to a municipal solid waste management facility in Kentucky, a copy of the applicant's "Consent to Service" document as required to be filed with the Natural Resources and Environmental Protection Cabinet;

(g) The applicant's highway use tax identification number, as required by KRS 138.665. (NOTE: If the applicant does not currently have a KYU number, it shall attach a statement of why its transportation operations do not fall within the purview of KRS 138.665);

(h) A statement that the applicant does now have, or is in the process of obtaining, liability insurance on each vehicle in the amounts currently required by Kentucky law;

(i) A statement of whether the applicant or any corporate officer or principal stockholder thereof has ever been convicted of a felony; and

(j) If the applicant is a Kentucky corporation, a copy of the corporation's certificate of good standing from the Kentucky Secretary of State or, ~~[in the jurisdiction in which it was incorporated and]~~ if a foreign corporation, a certificate to do business in Kentucky from the Kentucky Secretary of State, shall be submitted with the application. ~~[Neither of]~~ These certificates shall not be more than thirty (30) days old at the time the application is submitted. However, all corporations,

whether foreign or domestic, shall submit a list of persons who own ten (10) percent or more of the corporation's outstanding stock.

(k) If the applicant is doing business under an assumed name, it shall provide proof with the application that the assumed name has been registered with the appropriate county clerk's office.

(l) The Transportation Cabinet may require other proof of eligibility to do business in Kentucky or proof of safety fitness].

(3) The official signing on behalf of the applicant shall:

(a) Be sworn;

(b) State that he has the authority to represent the applicant;

(c) State that the information is true and correct to the best of his knowledge and belief; and

(d) Have his signature and oath notarized.

(4) The Transportation Cabinet shall make available a form listing the information required in subsections (2) and (3) of this section to any person wishing to apply for a license to operate municipal solid waste transportation vehicles. These forms may be obtained, inspected or copied at [from] the Office of General Counsel, 501 High Street, Frankfort, Kentucky 40622, or by telephoning 502/564-7650.

Section 2. (1) The Transportation Cabinet shall within thirty (30) days of receipt of an application; [either]

(a) Approve the application to operate municipal solid waste transportation vehicles;

(b) Disapprove the application; or

(c) Request additional information from the applicant.

(2) However, the Transportation Cabinet shall not issue a license to anyone who has not filed a fully completed application form.

Section 3. As soon as the applicant has been licensed to operate municipal solid waste transportation vehicles, the Transportation Cabinet shall provide a form to the licensee so that the individual municipal solid waste transportation vehicles used by that licensee can be identified. This form shall contain space for the licensee to submit the following information:

(1) The municipal solid waste transporter license number and name of the municipal solid waste transporter;

(2) KYU number (if applicable) of the licensee;

(3) Telephone number of the licensee;

(4) Address of the licensee;

(5) Licensee's contact person;

(6) A sworn and notarized statement made by an official of the licensee certifying that the named licensee has, and shall maintain, liability insurance on each vehicle operated under this license;

(7) An [in-addition, the] official of the licensee shall state that the applicant has access to, and is familiar with, all applicable regulations of the United States Department of Transportation relating to the safe operation of commercial vehicles and the safe transportation of hazardous materials, and that the applicant shall comply with these regulations;

(8) [(7)] Identification of each vehicle to be used to transport municipal solid waste which shall include the following:

(a) The vehicle's company unit number;

(b) The complete vehicle identification number (serial number);

(c) The make of vehicle;

(d) The year of manufacture of the vehicle;

(e) The declared gross weight of the vehicle;

(f) The type of truck; ~~and~~

(g) The number of axles on the vehicle;

(h) The state of license of the vehicle;

(i) The license plate number ~~{}~~ [if the vehicle is Kentucky registered and licensed];

(j) The name of the lessor ~~{}~~ [if the vehicle is leased];

(k) The amount of the fee paid; and

(l) Whether it is a first or renewal registration of that individual vehicle.

(m) To identify the type of truck and number of axles, the licensee shall, for a straight truck, code the letters "ST", followed by the total number of axles. For a tractor-trailer, the licensee shall code the letters "TR", followed by the total number of axles.

Section 4. Municipal solid waste transporter vehicle identification cards shall expire at midnight of December 31 of each year.

Section 5. The fee for a municipal solid waste transporter vehicle identification card which shall become effective January 1, or a renewal of an identification card, shall be ten (10) dollars. If the newly-issued card becomes effective in a month other than January, the cost of the identification card shall be prorated by using the following schedule:

- (1) February - \$9.17;
- (2) March - \$8.34;
- (3) April - \$7.50;
- (4) May - \$6.67;
- (5) June - \$5.84;
- (6) July - \$5.00;
- (7) August - \$4.17;
- (8) September - \$3.34;
- (9) October - \$2.50;
- (10) November - \$1.67;
- (11) December - \$0.84.

Section 6. The original vehicle identification card shall be carried in the power unit of the vehicle for which it was issued. [Ne] Photocopies, reproductions or facsimiles shall not be allowed.

Section 7. Even though the Transportation Cabinet does not have the authority to issue temporary identification cards for municipal solid waste transportation vehicles, the cabinet shall promptly issue identification cards to a licensee who has properly applied for the identification cards.

~~[Section 8. The appropriate identification card shall be in the cab of each vehicle transporting municipal solid waste beginning March 1, 1992.]~~

Section 8. [9-] The Transportation Cabinet shall notify the Natural Resources and Environmental Protection Cabinet of all persons found to be transporting municipal solid waste either:

- (1) Without a license to do so; or
- (2) Without a vehicle identification card for the transportation of municipal solid waste.

Section 9. A license to operate municipal solid waste vehicles shall not be transferred. If a licensee's assets are sold or transferred and the new owner intends to continue transporting municipal solid waste, the new owner shall submit a new application pursuant to Section 1 of this administrative regulation.

NORRIS BECKLEY, Deputy Commissioner
DON C. KELLY, Secretary

APPROVED BY AGENCY: July 2, 1992

FILED WITH LRC: July 2, 1992 at 3 p.m.

PUBLIC HEARING: A public comment hearing will be held on this administrative regulation on August 26, 1992 at 1 p.m., local prevailing time in the Fourth Floor Hearing Room of the State Office Building located at the corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by August 21, 1992 so notify this agency. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public comment hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the administrative regulation. If the hearing is cancelled, written comments will only be accepted until August 21, 1992. Send written notification of intent to attend the public hearing or written comments on the administrative regulation to: Sandra G. Pullen, Staff Assistant, Transportation Cabinet, 1001 State Office Building, 501 High Street, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sandra G. Pullen

(1) Type and number of entities affected: Approximately 750 transporters of municipal solid waste in Kentucky are affected by the total administrative regulation. However, the amendment only affects those 250 which are corporations.

- (a) Direct and indirect costs or savings to those affected: None
 1. First year:
 2. Continuing costs or savings:
 3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: In addition to providing proof of authority to do business in Kentucky, the corporations will have to provide a list of all stockholders of 10% or more of the company.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: It was never the intention of the Transportation Cabinet to allow a license to be transferred. That is clearly spelled out in the administrative regulation so there is no longer any misunderstanding. In addition, the Office of General Counsel did not intend for the stockholders list requirement to be repealed in the last update of this administrative regulation earlier this year. Therefore, they requested that it be added back in as soon as possible in order to provide at least a minimum of background check on the transporters.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: The Human Resources Cabinet also licenses transporters of septic tank sludge (a municipal solid waste). While this does not appear to be a conflict, these licensees are irate at the dual licensing requirement.

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

TIERING: Was tiering applied? Yes. Only transporters of municipal solid waste have to be licensed by the Transportation Cabinet. Corporations have to provide more material than a partnership or sole proprietorship. A partnership or sole proprietorship must supply more information than a governmental entity in order to obtain a license.

TRANSPORTATION CABINET
Department of Highways
Department of Vehicle Regulation
Division of Maintenance
Division of Motor Carriers
(Proposed Amendment)

603 KAR 5:110. Permits for moving overdimensional house trailers [mobile home which do not exceed fourteen (14) feet in width].

RELATES TO: KRS 189.270

STATUTORY AUTHORITY: KRS 189.270

NECESSITY AND FUNCTION: KRS 189.270 authorizes the Department of Highways to issue permits for the movement of house trailers exceeding legal dimensions but which do not exceed sixteen (16) feet in width. This administrative regulation establishes for house trailers [which do not exceed fourteen (14) feet in width] the permit application procedures within the Transportation Cabinet and establishes movement requirements necessary in the interest of highway safety and convenience.

Section 1. Definitions. (1) "Daylight hours" means the period of a day from one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset. However, it does not include any time when atmospheric conditions such as heavy rain, snow, sleet or fog render visibility lower than is ordinarily the case during that period of the day.

(2) "Fully-controlled limited access highway" means a highway which gives preference to through traffic and which shall have access only at selected public roads or streets and which shall not have an at-grade highway crossing or intersection. ["National holiday" means New Year's Day, Memorial Day (as observed on the last Monday in May), Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.]

(3) "House trailer" means a mobile home or manufactured home but does not mean a modular home.

(4) "National holiday" means the following:

(a) New Year's Day;

(b) Memorial Day (as observed on the last Monday in May);

(c) Independence Day;

(d) Labor Day;

(e) Thanksgiving Day; and

(f) Christmas Day.

(5) "Paved or stabilized shoulder" means a shoulder or berm of a highway constructed of portland cement concrete, bituminous concrete, bituminous seal or crushed aggregate. It shall not include a shoulder constructed of earth, sod, grass or curb and gutters.

Section 2. Permit Application. (1) Application for a permit to move an overdimensional [a] house trailer on a Kentucky state-maintained highway shall only be made to the Department of Vehicle Regulation, Division of Motor Carriers, Frankfort, Kentucky.

(2) A single trip permit application or request shall specify the following:

(a) The year and make of the towing vehicle;

(b) The vehicle's license plate number;

(c) The maximum weight for which the vehicle is registered; [and]

(d) The state of registration of the vehicle;

(e) Name and address of the owner;

(f) The dates of travel;

(g) The serial number of the house trailer; and

(h) The specific routes of travel requested.

(3) If the towing vehicle for which a single trip permit is being applied is registered in a state other than Kentucky, the vehicle shall be either:

(a) Apportioned registered to operate in Kentucky; or

(b) In compliance with KRS 281.752.

(4) [(3)] An annual permit application or request shall in writing specify the following information relating to the motor vehicle:

(a) Year and make; [rated capacity];

(b) Vehicle identification number;

(c) License plate number;

(d) The maximum weight for which it is registered; [and]

(e) The state of apportioned registration, if not registered in Kentucky; [and]

(f) Name and address of the motor carrier operating or the owner of the towing vehicle; and [-In addition, it shall specify]

(g) Whether the motor carrier operating the towing vehicle is a for-hire or private carrier [and the routes of travel requested].

(5) If the towing vehicle issued an annual permit is registered in a state other than Kentucky, the vehicle shall be apportioned registered to operate in Kentucky.

(6) The application for an annual permit shall contain a certification by the applicant that he is aware of the safety requirements in the movement of overdimensional house trailers and shall at all times comply with them.

Section 3. Permit Required. Until a special written permit has been issued by the Department of Vehicle Regulation, Division of Motor Carriers under the provisions of this administrative regulation and KRS 189.270:

(1) A [No] house trailer of a width greater than eight and one-half (8 1/2) feet shall not be towed on any highway listed in 603 KAR

5:070, Section 2(2)(b);

(2) A [no-shall-any] house trailer with a width greater than eight (8) feet shall not be towed on any state-maintained highway not listed in 603 KAR 5:070, Section 2(2)(b); and [other Kentucky highway unless, and until, a special written permit has been issued by the Department of Vehicle Regulation, Division of Motor Carriers.]

(3) A [(2)-No] house trailer with a combined length of house trailer and towing vehicle greater than sixty (60) feet shall be towed upon any Kentucky highway [unless, and until, a special written permit has been issued by the Department of Vehicle Regulation, Division of Motor Carriers].

Section 4. Annual Permits. (1) A[an-annual] permit shall not be issued for the movement of a house trailer in excess of sixteen (16) [twelve (12)] feet in width inclusive of the usual and ordinary overhang. Mirrors on the towing vehicle shall not be considered in making the determination of width.

(2) Prior to a movement of a house trailer under the provisions of an annual permit, the permit holder shall scout and evaluate the entire route proposed to be used for the movement of the overdimensional house trailer. The evaluation shall include, but not be limited to, the following:

(a) Highway width;

(b) Shoulder width and surface type;

(c) Bridge width;

(d) Curves;

(e) Turns to be negotiated;

(f) Construction zones;

(g) Obstructions;

(h) Access control;

(i) Traffic volume; and

(j) Other routes available which might be safer even if not as convenient.

(3) The permit holder shall use the results of the evaluation to determine the safest route available to transport the overdimensional house trailer, and if there would be any place on the proposed route which would be too narrow, have curves or turns too sharp or have other obstacles which would prevent the route from safely accommodating the move of the house trailer. The route selected by the permit holder shall be the safest available. [be on highways specified on the annual permit.]

(4) If there is any doubt about the adequacy of the highway to safely accommodate the overdimensional house trailer, the permit holder shall either:

(a) Select a different route; or

(b) Contact the appropriate highway district office for clearance to move that house trailer over that specific route.

(5) If the highway district office does not issue clearance for the use of a route whose adequacy is in doubt, that route shall not be used.

[(3) Annual permits for the movement of house trailers may be issued only to dealers and manufacturers located within the Commonwealth of Kentucky; to certificated motor carriers who are properly licensed as motor carriers by the Department of Vehicle Regulation; and to private owner residents of Kentucky for movements of their personally owned house trailers.

(4) Each towing vehicle for house trailers greater than the legal width shall be registered in Kentucky for a gross weight of not less than 22,000 pounds, have dual wheels on the rear and be rated at least one and one-half (1 1/2) ton capacity.]

(6) [(6)] An annual permit shall not be issued or used for the movement of a house trailer;

(a) If the length of the house trailer and towing unit combined exceeds ninety-five (95) feet in length; or

(b) If the height of the combination house trailer and towing vehicle exceeds thirteen and one-half (13.5) feet.

(7) Acceptance and use of the annual permit is the permit holder's acceptance of the liability associated with the move of the overdimensional house trailer.

Section 5. Single Trip Permits. (1) A single trip permit shall be

valid for no more than ten (10) days.

(2) A single trip permit shall not be issued for any unit, including towing vehicle and house trailer combined, which exceeds ninety-five (95) feet in length or sixteen (16) ~~fourteen (14)~~ feet in width inclusive ~~[exclusive]~~ of the usual and ordinary overhang. Mirrors on the towing vehicle shall not be considered in making the determination of width.

(3) A single trip permit shall specify the highways to be used in the movement of the house trailer.

Section 6. Permit Costs. (1) The \$500 issuance cost of an annual permit, the twenty (20) dollar cost of ~~[of]~~ a single trip permit for the movement of a house trailer with a width of fourteen (14) feet or less and the forty (40) dollar cost of a single trip permit for the movement of a house trailer which exceeds fourteen (14) feet in width, as set forth in KRS 189.270, shall apply to the towing vehicle; and

(2) The cost shall not be prorated.

Section 7. Escort Vehicles ~~[and Lighting Requirements]~~. (1) When traveling under the provisions of either a single trip or annual permit, the permit holder shall provide escort vehicles as follows:

(a) On a highway of four (4) or more lanes:

1. If the house trailer exceeds twelve (12) feet in width and is fourteen (14) feet or less in width, he shall provide one (1) rear escort vehicle; or

2. If the house trailer exceeds fourteen (14) feet in width, he shall provide one (1) front and one (1) rear escort vehicles.

(b) On a highway of less than four (4) lanes which has a total pavement width of twenty-four (24) or more feet and paved or stabilized shoulders of four (4) or more feet:

1. If the house trailer exceeds ten and one-half (10.5) feet in width and is twelve (12) feet or less in width, he shall provide one (1) front escort vehicle;

2. If the house trailer exceeds twelve (12) feet in width and is fourteen (14) feet or less in width, he shall provide one (1) rear and one (1) front escort vehicles; or

3. If the house trailer exceeds fourteen (14) feet in width, he shall provide two (2) front and one (1) rear escort vehicle. ~~[One (1) lead escort vehicle is required for the movement of house trailers greater than the legal width but not exceeding twelve (12) feet wide on all two (2) lane highways.]~~

~~(2) When a house trailer more than twelve (12) feet wide is moved, one (1) escort shall be required in the rear of each house trailer on highways with four (4) or more lanes. On highways of two (2) lanes, two (2) escort vehicles shall be required for each house trailer, one (1) in front and one (1) in the rear.~~

~~(3) Escort vehicles, both front and rear, shall be required where highway conditions dictate the need.]~~

(2)(a) On open highways escort vehicles shall be spaced approximately 300 feet from the towing vehicle and house trailer, except as provided in Section 8 of this regulation.

(b) In cities or congested areas this distance shall be shortened to protect other traffic.

(3) An escort vehicle's headlamps shall be lit at all times.

(4) The towing unit shall maintain radio contact with each required escort vehicle.

(5) Each required escort vehicle shall display one (1) of the following:

(a) An amber strobe or flashing light mounted on the roof of the escort vehicle; or

(b) A warning sign which:

1. Is clearly legible;

2. States "OVERSIZE LOAD" in black letters on a yellow background; and

3. Is placed on the front of a front escort or the rear of a rear escort.

Section 8. Traffic Control. (1) If a house trailer while crossing a bridge would encroach on any other lane of traffic:

(a) All approaching traffic shall be stopped; and

(b) All trailing traffic shall be prevented from attempting to pass the house trailer until the house trailer has cleared the bridge and has

moved sufficiently to the right to safely allow following traffic to pass.

(2) When two (2) lead escort vehicles are required, the first lead escort vehicle shall be responsible for traffic control between the oversized house trailer and the next intersection. The second lead escort vehicle shall remain with the oversized house trailer as specified in Section 7 of this regulation.

(3) An oversized house trailer shall slow the movement of other traffic as little as possible. If traffic backs up either behind or in front of the house trailer being moved, the escort vehicles and house trailer shall exit the highway wherever there is sufficient space to do so.

Section 9. Flags, Lights and Signs. (1)(a) ~~[(4)]~~ Red or orange fluorescent flags at least eighteen (18) inches square shall be displayed on both sides of the towing vehicle or house trailer at the widest extremity and two (2) more at the extreme rear of the house trailer to indicate maximum width.

(b) The flags shall be securely fastened to the house trailer by at least one (1) corner or securely mounted on a staff.

(2)(a) ~~[(6)]~~ Amber flashing lights may be used on both the escort and towing vehicles if the house trailer's ~~[unit's]~~ width does not exceed twelve (12) feet.

(b) If the house trailer exceeds twelve (12) feet in width, all escort vehicles and the towing vehicle shall have an amber flashing light on the roof.

(3) The house trailer shall be equipped with four (4) amber flashing lights.

(a) One (1) shall be located on each outermost front and each outermost rear corner of the house trailer spaced not less than six (6) feet above the roadway.

(b) The permit holder may locate the two (2) front amber flashing lights on the truck mirrors rather than the front outermost corners of the house trailer if the mirrors extend out as far as the outermost front corners of the house trailer.

(4) Each ~~[(6)-All]~~ oversized house trailer ~~[mobile homes]~~ and towing vehicles shall be marked and lighted in accordance with those requirements set forth in 601 KAR 1:005. All running lights shall be on while the unit is in motion.

(5)(a) ~~[(7)]~~ Oversize load signs shall be placed on the front of the towing vehicle and the rear of the house trailer any time it is operating on a highway.

(b) Each warning sign:

1. Shall state in black letters on a yellow background, "OVERSIZE LOAD"; and

2. Shall be at least seven (7) ~~[six (6)]~~ feet long and eighteen (18) inches high with a brush stroke of at least one and four-tenths (1.4) inches.

Section 10. ~~[8-]~~ Duplicate Permits. A duplicate permit which is needed to replace a lost, stolen or destroyed annual permit or to transfer the annual permit to another towing vehicle may be obtained from the Division of Motor Carriers by the payment of ten (10) dollars. Only one (1) transfer per annual permit shall be allowed during the year of validity of the annual permit. Any additional transfer of the annual permit requested shall be subject to the fees set forth in KRS 189.270.

~~[Section 9. Route Deviation. Prior approval shall be secured from the Division of Motor Carriers for any house trailer hauled under an annual permit which deviates from the routes prescribed in the permit issued for the towing vehicle.]~~

Section 11. ~~[40-]~~ Presentation of Permits. (1) Permits shall be carried in the towing vehicles at all times. ~~[and]~~

(2) The permit shall be presented, upon request, to any law enforcement officer or any authorized personnel of the Department of Vehicle Regulation for inspection.

(3) A photocopy of an annual permit shall not be valid.

Section 12. ~~[44-]~~ Permit Validity. (1) Permits shall be ~~[are]~~ valid during:

(a) ~~only~~ Daylight hours; and

(b) ~~[as defined in Section 1 of this regulation;]~~ From Monday through Saturday noon for house trailers twelve (12) feet wide or less. ~~[except for these periods before, during and after national holidays. In connection with these holidays;]~~

(2) Travel shall ~~[is]~~ not be permitted from noon of the day preceding a ~~[the]~~ national holiday until daylight of the next permissible day.

(3) If the national holiday occurs on Saturday, Sunday or Monday the restricted period shall extend from noon of the preceding Friday to daylight of the following Tuesday.

(4) ~~[(2)]~~ Permits used for the movement of house trailers more than twelve (12) feet in width shall [are] not be valid on Saturday or Sunday.

(5) In ~~[addition, in]~~ Jefferson, Fayette, Boone, Kenton and Campbell Counties permits used for the movement of house trailers fourteen (14) feet wide or less but more than twelve (12) feet wide shall [they are] only be valid between the hours of 9 a.m. and 3 p.m. and from 6 p.m. to sundown, local prevailing time.

(6) Permits used for the movement of house trailers greater than fourteen (14) feet wide shall only be valid Monday through Friday between the hours of 9 a.m. and 3 p.m. local prevailing time.

(7) ~~[(3)]~~ If satisfactory proof of an emergency is furnished the Division of Motor Carriers, moves may be authorized during the restricted hours.

(8) A permit shall not be valid if the combined gross weight of the towing vehicle and house trailer exceeds the registered weight of the towing vehicle.

Section 13. ~~[(2)]~~ Movement on Two (2) or Four (4) Lanes. Moves of house trailers more than twelve (12) feet wide shall be limited to highways of four (4) or more lanes and to the shortest and best two (2) lane route designated by the Department of Vehicle Regulation, Division of Motor Carriers to be used to the unit's ultimate destination. The department shall deny movements on any routes deemed unsuitable for move.

Section 14. ~~[(3)]~~ Weather Conditions. (1) Moves of house trailers more than twelve (12) feet wide shall not [cannot] be made on any highway:

(a) When wind velocity exceeds twenty-five (25) MPH; or

(b) When adverse weather conditions would cause these moves to be dangerous;

(c) ~~[- House trailers that exceed twelve (12) feet in width shall not be moved]~~ When the road is partially or fully covered by sleet, snow, or ice; or

(d) When visibility is unduly impaired by rain, sleet, snow, fog, or other adverse weather condition ~~[ete]~~.

(2) Moves of house trailers which exceed fourteen (14) feet in width shall not be made:

(a) On two (2) lane highways when turf or dirt shoulders are soft or muddy; or

(b) On any wet highway.

Section 15. Brakes. (1) ~~[(4-Breaks)]~~ The number, type, size and design of brake assemblies required to assist the towing vehicle in controlling and stopping a house trailer shall be sufficient to assure that the maximum stopping distance from an initial velocity of twenty (20) miles per hour does not exceed forty (40) feet.

(2) House trailers which are not equipped with brakes on all axles shall certify that the towing unit has sufficient brake assemblies to meet the braking distance specified in this section.

(3) This certification shall be in the form of a manufacturer's statement, documented technical data, or adequate engineering analysis or its equivalent, specifying that the braking distance requirement has been met.

(4) This certificate shall be carried in the towing unit at all times and shall be presented upon request, to any law enforcement officer.

Section 16. ~~[(6)]~~ Speed Limit. (1) The speed limit for the movement of house trailers greater than twelve (12) feet wide on interstate and other fully controlled limited access highways is forty-five (45)

MPH.

(2) On other highways the speed limit is thirty-five (35) MPH, unless posted minimum speed exceeds this, then the speed limit may be increased to the minimum posted speed.

Section 17. Liability of the Permit Holder. The permit holder shall be responsible to pay for or replace any sign, traffic control device, guardrail or other property damaged or destroyed during the move of the house trailer.

Section 18. Repeal. 603 KAR 5:111, Permits for moving mobile homes in excess of fourteen (14) feet in width, is repealed.

NORRIS BECKLEY, Deputy Commissioner
DON C. KELLY, Secretary

J. M. YOWELL, State Highway Engineer

APPROVED BY AGENCY: July 2, 1992

FILED WITH LRC: July 2, 1992 at 3 p.m.

PUBLIC HEARING: A public comment hearing will be held on this administrative regulation on August 26, 1992 at 10:30 a.m., local prevailing time in the Fourth Floor Hearing Room of the State Office Building located at the corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by August 21, 1992 so notify this agency. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public comment hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the administrative regulation. If the hearing is cancelled, written comments will only be accepted until August 21, 1992. Send written notification of intent to attend the public hearing or written comments on the administrative regulation to: Sandra G. Pullen, Staff Assistant, Transportation Cabinet, 10th Floor State Office Building, 501 High Street, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sandra G. Pullen

(1) Type and number of entities affected: All transporters of mobile homes in Kentucky.

(a) Direct and indirect costs or savings to those affected: The savings by allowing an annual permit to be purchased for the movement of mobile homes in excess of 12 feet in width was granted by SB 275, not this administrative regulation. However, the requirement that a third escort vehicle be included when a mobile home 16 feet in width is on a two-lane highway is a new safety requirement established by this administrative regulation. This should cost about \$50 per trip. However, the overall savings to the industry will be much greater than this cost.

1. First year: Same

2. Continuing costs or savings: Same

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: The transporter must apply in writing for the annual permit.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: The workload in the Division of Motor Carriers will be reduced slightly since most mobile homes will be transported on an annual rather than a single trip permit. However, there will be a resultant loss in revenue to the road fund. Essentially all 16 foot wide mobile homes after the 13th, moved by a transporter in a year will be at no additional cost compared to \$40 each in the preannual permit days. If he deals in only 14 foot wide models, all transported after the 25th in a year will be at no additional cost compared to \$20 each in the preannual permit days.

1. First year: Same

2. Continuing costs or savings: Same

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: Several alternatives were evaluated in determining what safety requirements should be imposed. The alternative of providing a map specifying which highways could be used for which width mobile homes was the alternative most considered. The 12 foot wide mobile homes would continue to operate on the same system of highways as in the past. However, 14 and 16 foot wide mobile home would have been restricted on the annual permit to operating within one mile of the 4-lane and never 2-lane highways in Kentucky. This idea was rejected when the location of each mobile home dealer was plotted on a map. It would have been impossible to deliver the wider mobile homes to 90% of the dealers without calling the Division of Motor Carriers for additional specific routing. Since the cabinet personnel were sure that was not the intention of the General Assembly, the idea of requiring the permit holder to scout the route before using it was adopted instead.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: SB 275 mandated the availability of the annual permit for the transportation of mobile homes up to 16 feet in width.

TIERING: Was tiering applied? Yes. The safety requirements are tiered based on both highway conditions and mobile home width.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of School Administration & Finance
(Proposed Amendment)

702 KAR 3:190. Maximum class sizes.

RELATES TO: KRS 157.360

STATUTORY AUTHORITY: KRS 156.070, 157.310, 157.360

NECESSITY AND FUNCTION: KRS 157.360(4) prescribes that the chief state school officer shall enforce maximum class sizes for every academic course requirement in all grades, except in vocal and instrumental music, and [art,] physical education[and special education] classes and shall establish procedures for exemptions to the above. This regulation implements the [such] functions and prescribes criteria for granting class size exemptions. However, this regulation does not apply to schools which have implemented school-based decision making.

Section 1. Definitions. (1) "Restricted exemptions" shall mean those exemptions granted prior to September 15.

(2) "Annual exemptions" shall mean those exemptions granted after September 15.

Section 2. [4-] All classes shall be within the maximum class size by September 15 of each school year.

Section 3. [2-] In order to be in compliance by September 15, a superintendent of a local school district may request approval from the State Board for Elementary and Secondary Education for a one (1) year restricted exemption of no more classes than enroll twenty (20) percent of the pupils in [the primary grades and] grades four (4) through eight (8) in each school, when unusual circumstances are believed to warrant an increased class size. No restricted exemptions shall be granted [prior to September 15] for classes in grades nine (9) through twelve (12).

Section 4. [3-] No class granted a restricted [an] exemption [prior to September 15] shall enroll more than five (5) students over the maximum class size requirements.

Section 5. [4-] Since the district must provide a plan to alleviate the overcrowding problem, no school granted a restricted [which has an] exemption [prior to September 15] in a grade shall be granted a restricted [an] exemption in that grade or the next grade for the following year. Transferring of students between schools in subsequent years for the purpose of qualifying for an exemption shall [is] not be approveable.

Section 6. (1) In order to provide local school districts flexibility in scheduling for short-term transient students, after September 15 this regulation shall not be considered violated until a student enrolled in excess of the class size is enrolled for a three (3) week transition period.

(2) After the three (3) week transition period, the district may immediately request an annual class size exemption.

Section 7. [5-] Exemptions may [shall] be granted by [only after] the Department of Education which shall randomly conduct [has made] an on-site visit to [and] analyze[d] the district's total classroom space, class enrollments and all alternatives, and to [has] determine[d] that] whether the district is unable to meet the class size requirements due to lack of classroom space. [Temporary exemptions shall be granted by the department pending the required on-site visit and analysis.] For annual exemptions granted in [kindergarten and] grades four (4) [one (1)] through twelve (12) [after September 15], no class shall enroll more than two (2) students over the maximum class size.

[Section 6. (1) After September 15, in order to provide local school districts flexibility in scheduling for short-term transient students, no student enrolled in excess of the class size cap shall be considered in violation of this regulation until such student is enrolled for a three (3) week transition period.

(2) After the three (3) week transition period, the district shall immediately request a class size exemption.]

Section 8. [7-] (1) All restricted and annual exemption requests shall be submitted on the specified forms and forwarded to the Office of Assistance and Intervention [Division of Accreditation], Department of Education.

(2) The request for exemption shall contain specific reasons and circumstances causing the increased class size.

(3) The request for exemption shall include a specific plan for reducing the class size prior to the beginning of the next school year.

Section 9. [8-] The services of an aide shall be provided immediately upon approval of all class size exemptions, whether restricted or annual [granted either before or after September 15].

Section 10. [9-] There shall be no exemptions for a class or classes with combined grades. No ungraded students shall be placed in a combined class with graded students. In addition, there shall be no more than two (2) consecutive grade levels combined in any one (1) class in grades four (4) through six (6). No exemptions, restricted or annual, shall be approved for the primary grades (K-3) [after the 1991-92 school year].

Section 11. [10-] The State Board for Elementary and Secondary Education, through the chief state school officer, shall enforce this regulation through [continuous] monitoring and update reports submitted by the local school districts on September 15 and January 31 [15] of each school year. Classes that exceed cap size by no more than two (2) students during the last month of the school year shall not require an exemption.

Section 12. [11-] Failure to comply with this regulation may, in addition to other appropriate sanctions, result in the local superintendent and principal being charged [by the State Board for Elementary and Secondary Education] with willful neglect of duty pursuant to KRS 156.132.

This is to certify that the chief state school officer has reviewed

and recommended this administrative regulation prior to its adoption by the State Board for Elementary and Secondary Education, as required by KRS 156.070(4).

THOMAS C. BOYSEN, Commissioner

JOSEPH W. KELLY, Chairman

APPROVED BY AGENCY: July 15, 1992

FILED WITH LRC: July 15, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 21, 1992 at 10 a.m. in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 16, 1992, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Kevin M. Noland, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: H.M. Snodgrass

(1) Type and number of entities affected: 176 school districts.

(a) Direct and indirect costs or savings to those affected:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: Less staff time.

(a) Direct and indirect costs or savings:

1. First year: Approximately \$3000-\$5000.

2. Continuing costs or savings: Same

3. Additional factors increasing or decreasing costs: SBDM councils will eliminate need for class size exemptions.

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: Save staff time and money.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

TIERING: Was tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it. Disparate treatment of any person or entity subject to this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the 14th Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

EDUCATION AND HUMANITIES CABINET

Department of Education

Office of District Support Services

(Proposed Amendment)

702 KAR 3:250. Preschool grant allocations.

RELATES TO: KRS 156.160, 157.226, 157.3175

STATUTORY AUTHORITY: KRS 156.070, 156.160, 157.226, 157.3175

NECESSITY AND FUNCTION: KRS 156.160 authorizes the State Board for Elementary and Secondary Education to adopt administrative regulations establishing standards which school districts shall meet in student, program, service and operational performance; KRS 157.226 authorizes preschool programs and related services for handicapped children who are three (3) or four (4) years of age or who may become age five (5) after October 1 of the current year and authorizes the State Board for Elementary and Secondary Education to promulgate regulations regarding the use of funds; and KRS 157.3175 authorizes preschool education programs for four (4) year old children who are at risk of educational failure and authorizes the State Board for Elementary and Secondary Education to establish a grant allocation system. This administrative regulation is necessary to implement those state board duties.

Section 1. Preschool Programs. For the purposes of this regulation, the term "preschool programs" refers to the two (2) educational programs established in the KRS 157.226 and 157.3175 for children below primary school age; the preschool program for handicapped children and the preschool education program for four (4) year old children.

Section 2. Funding Eligibility. (1) Children eligible to be counted for funding purposes for the preschool program for four (4) year old children shall include only those children who are at risk of educational failure and who meet the criteria set forth in 704 KAR 3:410, Section 1(1).

(2) Children eligible to be counted for funding purposes for the preschool program for handicapped children shall include only those children who meet the criteria set forth in 707 KAR 1:150, Section 1(2).

(3) A child who meets the eligibility criteria under both subsections (1) and (2) of this section shall be included in only one (1) of these two (2) groups for purposes of generating funds under these preschool programs.

(4) Eligible children who are enrolled by parent choice in other preschool programs providing nonsupplemental educational services through state or federal funds at no cost to parents shall not be included in the count of eligible children used to generate funds under these preschool programs.

Section 3. Enrollment Data. (1) Funds for districts shall be allotted based on the number of eligible children as defined in Section 2 of this regulation who are enrolled in the district's preschool programs on December 1 of the previous year. Program funding shall be adjusted proportionately when the enrollment on December 1 of the current year is more than five (5) percent above or below the number of children served on December 1 of the previous year.

(2) If there are available funds after districts have been allotted funds to serve all eligible enrolled children through the state funds appropriated, then the remaining funds may be prorated to those districts that transport eligible children who are enrolled in Head Start, up to the amount per child allowed for transportation in Section 5 of this regulation.

~~[(2) Funding for the preschool programs in 1991-92 shall be based on the number of eligible children who are enrolled on September 30, 1991.~~

~~(3) After the 1991-92 school year, funding for the preschool programs shall be based on enrollment data from the district's operation of the preschool program in the previous year.]~~

Section 4. Use of Funds. (1) Appropriations to the local school district for the preschool programs shall be separate and apart from all other funds appropriated to the local school district.

(2) Use of the funds appropriated for the preschool programs shall be limited to activities for the implementation of these programs, pursuant to 704 KAR 3:410, 707 KAR 1:150, and the district's application for the preschool programs.

Section 5. Formula. (1) The Department of Education shall annually recommend a preschool allocation formula to the State Board for Elementary and Secondary Education for review and approval. The allocation formula shall specify the amount of funds to be allocated for each eligible child. [The Preschool Allocation Formula, May, 1991, specifying the amount of funds to be allocated for each eligible child for 1991-92, is hereby incorporated by reference. Such may be inspected, copied, and obtained at the Office of Instruction, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, Monday through Friday, 9 a.m. to 4:30 p.m].

(2) If the state funds appropriated are not sufficient, the funding formula shall be adjusted proportionately.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the State Board for Elementary and Secondary Education, as required by KRS 156.070(4).

THOMAS C. BOYSEN, Commissioner

JOSEPH W. KELLY, Chairman

APPROVED BY AGENCY: July 9, 1992

FILED WITH LRC: July 15, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 21, 1992 at 10 a.m. in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 16, 1992, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Kevin M. Noland, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Debbie Schumacher

(1) Type and number of entities affected: 176 school districts.

(a) Direct and indirect costs or savings to those affected: Decreased local cost due to increase in state per child reimbursement rate and adjustments on enrollment numbers.

1. First year: \$50 per child increase in transportation reimbursement; partial reimbursement for children enrolled late; adjustments if increased or decreased enrollment.

2. Continuing costs or savings: Same

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: No additional.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues:

None - reflects Executive Budget.

(4) Assessment of alternative methods; reasons why alternatives

were rejected:

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments:

TIERING: Was tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it. Disparate treatment of any person or entity subject to this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the 14th Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

EDUCATION AND HUMANITIES CABINET Department of Education Office of School Administration and Finance (Proposed Amendment)

702 KAR 5:120. Blind and deaf pupils, reimbursement for.

RELATES TO: KRS 156.031, 157.280

STATUTORY AUTHORITY: KRS 156.070, 157.220

NECESSITY AND FUNCTION: ~~[KRS 156.031 requires that regulations relating to statutes amended by the 1990 Kentucky Education Reform Act be reviewed, amended if necessary, and resubmitted to the Legislative Research Commission prior to December 30, 1990; and] KRS 157.280 [now] requires each local school district to provide for weekly transportation for its resident pupils at the Kentucky Schools for the Blind and Deaf except those whose residence is more than 200 miles one way from either school shall not be required to go home more than twice each month. [such] Transportation shall [te] be provided in a manner approved by the State Board for Elementary and Secondary Education. KRS 157.280 also mandates reimbursement of local districts, at the same rate per trip as for resident pupils, but from the Transportation Fund of the Fund to Support Education Excellence in Kentucky, for transportation, as approved by the State Board, which may be provided to and from such schools for day pupils. This regulation establishes the rate of reimbursement for providing home-to-school transportation for such pupils enrolled at the Kentucky School for the Blind and the Kentucky School for the Deaf.~~

Section 1. The chief state school officer shall determine the number of pupils resident in each school district of the state who attend the Kentucky School for the Blind in Louisville, Kentucky, and who attend the Kentucky School for the Deaf in Danville, Kentucky, as resident pupils, and shall determine the number of miles the county seat of the district in which the pupil resides is from Louisville or Danville. He shall then determine the aggregate number of pupil miles which would result in each child enrolled in either the School for the Blind at Louisville or the School for the Deaf in Danville, making weekly trips home each year. The aggregate number of pupil miles so determined will be divided into the total appropriation made for this program in order to establish a tentative value per pupil mile.

Section 2. On or before October 15 of each year, the chief state school officer shall provide each school district with a "tentative allotment report" which contains the number of resident children in each program in each school district and the tentative allotment to that school district for the weekly transportation of resident children.

Section 3. On or before May 31 of each year each school district shall certify to the chief state school officer the number of children and the number of trips each child was provided home, not to exceed one (1) round trip each week the child was enrolled in either of the schools. In no instance shall distances used to generate pupil miles exceed the distance provided in the tentative allocation which is the

distance from the cities of Louisville or Danville to the county seat of the district in which the pupil is a resident.

Section 4. On or before May 31 of each year, the superintendent of a local school district qualifying for reimbursement for transportation by reason of this regulation shall certify to the chief state school officer the aggregate pupil miles for resident pupils for which reimbursement is sought. The chief state school officer, based upon the certification of the local school district shall, on or before June 30 of each year, determine the final value of the pupil mile by dividing the aggregate pupil miles certified into the appropriation contained in the executive budget, and calculate a final allotment for each school district having children enrolled in the Kentucky School for the Blind and the Kentucky School for the Deaf as resident pupils.

Section 5. The chief state school officer shall determine the number of pupils enrolled in each school district as day school pupils that are provided daily transportation to the Kentucky School for the Blind in Louisville and the Kentucky School for the Deaf in Danville, and shall determine the number of miles by the most direct route from the child's residence to the school that they attend in either Danville or Louisville. He shall then determine the aggregate number of pupil miles from each pupil's home to school and back home again, making a maximum of 175 trips per year.

Section 6. On or before May 31 of each year, the superintendent of a local school district qualifying for reimbursement for transportation by reason of Section 5 of this regulation shall certify to the chief state school officer the aggregate pupil miles for which reimbursement is sought. The chief state school officer, based upon the certification of the local school district, shall calculate a final allotment for reimbursement purposes for each school district having children enrolled as day school pupils in the Kentucky School for the Blind and the Kentucky School for the Deaf. The reimbursement rate to be paid from the Transportation Fund of the Fund to Support Education Excellence in Kentucky shall be the same rate per pupil mile as calculated in Section 4 of this regulation for resident pupils.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the State Board for Elementary and Secondary Education, as required by KRS 156.070(4).

THOMAS C. BOYSEN, Commissioner

JOSEPH W. KELLY, Chairman

APPROVED BY AGENCY: July 9, 1992

FILED WITH LRC: July 15, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 21, 1992 at 10 a.m. in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 16, 1992, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Kevin M. Noland, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Stewart M. "Mike" Roscoe

(1) Type and number of entities affected: 29 Kentucky school districts.

(a) Direct and indirect costs or savings to those affected:

1. First year: Reduce blind and deaf transportation costs by 1/2.
2. Continuing costs or savings: Same as in 1.
3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: No change.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: No costs or savings are anticipated since the budget is fixed and district reimbursement is prorated on the basis of student transported miles.

1. First year:

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: Unknown

(b) Reporting and paperwork requirements: No additional paperwork required.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: Enactment of House Bill 303 mandates this change.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

TIERING: Was tiering applied? Yes. House Bill 303 enacted on March 26, 1992 excludes students who live more than 200 miles from Kentucky Schools for the Blind and Deaf from weekly trip homes.

EDUCATION AND HUMANITIES CABINET

Department of Education

Office of District Support Services

(Proposed Amendment)

702 KAR 7:065. Designation of agent to manage high school interscholastic athletics.

RELATES TO: KRS 156.070

STATUTORY AUTHORITY: KRS 156.070

NECESSITY AND FUNCTION: KRS 156.070 gives the State Board for Elementary and Secondary Education the management and control of the common schools, including interscholastic athletics therein, and allows the state board to designate an agency to manage athletics pursuant to rules approved by the state board. This regulation designates such an agent for high school athletics and adopts the constitution, bylaws, procedures and rules of that agent.

Section 1. The Kentucky High School Athletic Association (KHSAA) is hereby designated as the State Board for Elementary and Secondary Education's agent to manage interscholastic athletics at the high school level in the common schools, including any private schools desiring to associate with KHSAA and to compete with the common schools.

Section 2. The constitution, bylaws, tournament rules, due process procedures, and officials' rules of the KHSAA Handbook, 1992-93 [1991-92], as revised, adopted, and approved on April 17, 1992 [September 4, 1991], are hereby incorporated by reference. This material may be inspected and copied at the Office of Legal Services Department of Education, First Floor, Capital Plaza Tower, Frankfort, 8 a.m. through 4:30 p.m., Monday through Friday.

[Section 3. (1) Any pupil who is retained in the sixth, seventh or eighth grade for documented academic deficiencies, in compliance with a local school district's adopted grading and retention policy, may appeal any year of ineligibility under KHSAA's By-Law 4, Section 1(a), pursuant to KHSAA's due process procedures incorporated by reference as a part of this regulation.

(2) The burden of proof that retention was based upon bona fide academic deficiencies, and not any desire for athletic advantage, shall rest with the pupil.

~~(3) In no event shall any waiver be available to allow a pupil eligibility once he has been enrolled in grades nine (9) through twelve (12) for eight (8) semesters.~~

~~(4) Any appeal under this section may be pursued either immediately after the pupil's retention or at any time prior to the year of ineligibility.]~~

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the State Board for Elementary and Secondary Education, as required by KRS 156.070(4).

THOMAS C. BOYSEN, Commissioner

JOSEPH W. KELLY, Chairman

APPROVED BY AGENCY: July 9, 1992

FILED WITH LRC: July 15, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 21, 1992 at 10 a.m. in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 16, 1992, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Kevin M. Noland, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Kevin Noland

(1) Type and number of entities affected: KHSAA member schools.

(a) Direct and indirect costs or savings to those affected: None
1. First year: None

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: None

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues:

None

(4) Assessment of alternative methods; reasons why alternatives were rejected: KRS 156.070(2) requires approval by SBESE of by-laws of KHSAA; KRS 13A.100 requires such policy statements be in regulation form.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments:

TIERING: Was tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it. Disparate treatment of any person or entity subject to this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

EDUCATION AND HUMANITIES CABINET Department of Education Office of Learning Programs Development (Proposed Amendment)

704 KAR 3:345. Evaluation guidelines.

RELATES TO: KRS 156.101

STATUTORY AUTHORITY: KRS 156.070, 156.101

NECESSITY AND FUNCTION: KRS 156.101 requires the State Board for Elementary and Secondary Education to establish a statewide program for evaluation of certified school employees, including superintendents, and to develop guidelines for implementing the program and establishing the framework within which each local school district is to develop its own specific evaluation policies. This regulation establishes the requirements for the evaluation programs and policies of local school districts.

Section 1. Definitions. (1) Teacher - any certified staff person who directly instructs students.

(2) Administrator - any certified staff person other than the classroom teacher or librarian.

(3) Other support staff - any certified staff other than teacher or administrator.

(4) Evaluation - the process of assessing or determining the effectiveness of the performance of the certified employee in a given teaching and learning or leadership and management situation, based on predetermined criteria, through observation and other means of gathering information. Evaluation shall also include the establishment and monitoring of a professional growth plan.

(5) Formative evaluation - a continuous cycle of collecting evaluation information and interacting or providing feedback and suggestions regarding the certified employee's teaching or administrative performance.

(6) Summative evaluation - the summary of, and conclusions from, all evaluation data, including but not limited to the formative evaluation data. The summative evaluation occurs at the end of an evaluation cycle. Summative evaluation includes a conference involving the evaluator and the evaluated certified employee, and a written evaluation report.

(7) Observation - a process of gathering information, based on predetermined criteria in the district plan.

(8) Conference - a meeting involving the evaluator and the certified employee evaluated for the purpose of providing feedback from the evaluator, analyzing the results of observation(s) and other information to determine accomplishments and areas for growth leading to establishment or revision of a professional growth plan ~~[strengths and weaknesses, to develop a plan for growth and follow up]~~.

(9) Performance criteria - performance areas, skills, or outcomes on which the certified employee shall be evaluated based on the district plan.

(10) Indicators - measurable behaviors outcomes which demonstrate performance criteria.

(11) Standards of performance - acceptable qualitative or quantitative level of performance expected of effective teachers or administrators.

(12) Position - term used to signify a professional role in the school district (e.g., teacher, secondary principal, supervisor of instruction).

(13) Job category - term used to signify a group or class of positions with closely related functions (e.g., principal, coordinator, director).

(14) Professional growth plan - a plan whereby the evaluatee is given assistance for becoming more proficient as a teacher or administrator. The individualized plan includes [an] objectives, a plan for achieving the objectives and method for evaluating success. The individualized professional growth plan must be aligned with specific goals and objectives of the school improvement and professional development plans.

Section 2. Each local school district shall have an evaluation plan and procedures approved by the State Board for Elementary and Secondary Education. Approval of the plan and procedures shall be for the purpose of certification as to the compliance of each specific school district's evaluation plan with the broad guidelines set forth herein.

Section 3. The local school district shall have a written policy for the evaluation of all certified employees consistent with KRS 156.101. Strict compliance with the policy shall be required.

Section 4. (1) An evaluation [ad-hoc] committee consisting of equal numbers of teachers and administrators shall develop evaluation procedures and forms.

(2) The procedures shall provide for both formative evaluation and summative evaluation and shall include, but not be limited to, the following elements:

(a) The immediate supervisor of the certified school employee shall be designated the primary evaluator. Additional trained administrative personnel may be used to observe and provide information to the primary evaluator.

(b) All monitoring or observations of performance of a certified employee shall be conducted openly and with the full knowledge of the teacher or administrator. The local district may determine the length and frequency and nature of observations conducted by an evaluator.

(c) The evaluation system shall include a professional growth plan aligned with specific goals and objectives of the school improvement and professional development plans and shall be reviewed annually.

(d) Evaluation shall include formative conferences between the evaluator and the person evaluated within one (1) work week following each observation. In addition, the summative conference shall be held at the end of the evaluation cycle and include all evaluation data.

(e) Evaluation with multiple observations shall occur annually for each nontenured certified employee. The formative data collected during the beginning teacher internship period may be utilized in summative evaluation of the intern.

(f) Multiple observations shall be conducted with certified employees whose [initial] observation results are unsatisfactory.

(g) Summative evaluation shall occur, but not be limited to, a minimum of once every three (3) year period for each tenured teacher.

(h) Summative evaluation shall occur annually for administrators, except for superintendents who shall be evaluated not less than every two (2) years.

(i) All evaluations of certified employees below the level of the district superintendent shall be in writing on an evaluation form and become a part of the official personnel record.

(j) All observations shall include documentation of information to be used in determining the performance of the evaluatee.

(k) The evaluation system shall provide an opportunity for a written response by the evaluatee.

(l) A copy of the evaluation shall be provided to the evaluatee.

Section 5. (1) The evaluation procedures and forms shall be designed to foster professional growth and to support individual personnel decisions.

(2) The evaluation forms shall include, but not limited to, a list of performance criteria characteristic of effective teaching or administrative practices. The performance criteria shall include, but not limited to the following:

(a) Performs professional responsibilities and duties as outlined in the job description including regular attendance and punctuality;

(b) Demonstrates effective classroom or staff management skills;

(c) Uses appropriate research-based instructional strategies and processes effectively;

(d) Demonstrates effective interpersonal, [and] communication, and collaboration skills among [with] peers, subordinates, students and parents;

(e) Demonstrates knowledge of subject matter or administrative

techniques;

(f) Plans, implements, and evaluates instructional or administrative activities. Under each criterion, specific descriptors or indicators that can be measured and recorded shall be listed. In addition, standards of performance shall be established for each criterion;

(g) Demonstrates willingness to support missions to which school/councils, district boards of education, and the State Board for Elementary and Secondary Education are committed.

(3) All certified school personnel shall be made aware annually of the criteria on which they are to be evaluated at the beginning of the evaluation period.

(4) Evaluation forms or instruments shall be specific for each position or job category. Other forms for observation and pre- and postconferences may be used at the discretion of the local district.

Section 6. (1) All primary evaluators, with the exception of district board of education members, shall be trained, tested, and certified.

(2) Training shall:

(a) Include skill development in the use of the local evaluation process. Each local district shall conduct this training;

(b) Include skill development in the identification of effective teaching and management practices, effective observation and conferencing techniques, establishing and assisting with certified employee professional growth plans, and summative evaluation techniques relative to the valued outcomes. This training shall be conducted by providers who have been approved by the State Board for Elementary and Secondary Education as trainers for the Instructional Leadership Improvement Program;

(c) Be provided by the State Board for Elementary and Secondary Education for all new administrators who are designated as evaluators. Other administrators who have not received training in the skill areas listed in paragraph (b) of this subsection may participate also; and

(d) Be approved as a part of the evaluation plan and procedures submitted to the State Board for Elementary and Secondary Education.

(3) Testing shall:

(a) Include a cognitive test of research-based and professionally accepted teaching and management practices and effective evaluation techniques listed in subsection (2)(b) of this section; and

(b) Be conducted by the State Board for Elementary and Secondary Education or agencies approved by the State Department of Education.

(4) Initial certification as an evaluator shall be issued by the State Board for Elementary and Secondary Education upon completion of the required evaluation training program and successful completion of testing.

(5) Continued certification as an evaluator shall be contingent upon the completion of a minimum twelve (12) hours of evaluation training every two (2) years beginning July 1, 1988. This training shall be in any one, or a combination, of the following skill areas: use of the local evaluation process, identification of effective teaching and management practices; effective observation and conferencing techniques; establishing and assisting with certified employee professional growth plans; or summative evaluation techniques.

(a) Hours of training received in the use of the local evaluation process shall be certified by the local board of education with documentation available for review by the State Department of Education.

(b) Hours of training received in the other skill areas may compose part of the evaluator's required hours for the Instructional Leader Improvement Program.

(6) Each local district shall designate a contact person responsible for monitoring evaluation training and implementing the evaluation plan [as the contact person for the evaluation plan submitted by the local district].

Section 7. For appeals to the local evaluation appeals panel, each local evaluation plan shall provide for the following:

(1) Right to a hearing as to every appeal; and

(2) Opportunity reasonably in advance of the hearing for the

evaluator and evaluatee to adequately review all documents that are to be presented to the evaluation appeals panel; and

(3) Right to presence of evaluatee's chosen representative.

Section 8. [7-] The local board of education shall annually review the evaluation plan to ensure compliance with KRS 156.101 and these regulations. If substantive changes are made to the evaluation plan, the local board of education shall utilize the evaluation ~~ad hoc~~ committee, as provided for in Section 4 of this regulation, in formulating the revisions. Examples of substantive change are, but are not limited to, change in cycle, observation frequency, forms, and appeals procedures. All revisions to the plan shall be reviewed and approved by the local board of education and submitted to the State Board for Elementary and Secondary Education for approval.

Section 9. [8-] (1) Any certified employee who feels that the local district is not implementing the evaluation plan according to the way it was approved by the State Board for Elementary and Secondary Education shall have the opportunity to appeal to the State Board for Elementary and Secondary Education.

(2) The appeal procedures shall be as follows:

(a) The State Board for Elementary and Secondary Education shall appoint a committee of three (3) board members to serve on the State Evaluation Appeals Panel. Said panel shall have no jurisdiction relative to complaints involving the professional judgmental conclusions of evaluations and its jurisdiction shall be limited to procedural matters already addressed by the local appeals panel required by KRS 156.101(10).

(b) The certified employee shall submit a written request to the chief state school officer for a hearing before the State Evaluation Appeals Panel. A specific description of the complaint and grounds for appeal shall be submitted with this request.

(c) The State Evaluation Appeals Panel, or the Department of Education at its direction shall review the complaint and investigate to determine if a hearing should be granted.

(d) If a hearing is granted, all involved parties shall have an opportunity to speak before the appeals panel.

(e) Any briefs, written statements, and other documents which a party wants considered by the State Evaluation Appeals Panel shall be filed with the panel and served on the opposing party at least ten (10) days prior to the scheduled hearing.

(f) ~~(e)~~ A decision of the appeals panel shall be rendered within fifteen (15) working days after a hearing.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the State Board for Elementary and Secondary Education, as required by KRS 156.070(4).

THOMAS C. BOYSEN, Commissioner

JOSEPH W. KELLY, Chairman

APPROVED BY AGENCY: July 15, 1992

FILED WITH LRC: July 15, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 21, 1992 at 10 a.m. in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 16, 1992, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Kevin M. Noland, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Bob Trahan/Gail Gerry

(1) Type and number of entities affected: 176 school districts.

(a) Direct and indirect costs or savings to those affected:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues:

None

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments:

TIERING: Was tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it. Disparate treatment of any person or entity subject to this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the 14th Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

**WORKFORCE DEVELOPMENT CABINET
Department of Vocational Rehabilitation
(Proposed Amendment)**

781 KAR 1:030. Order of selection and economic need test for vocational rehabilitation services.

RELATES TO: KRS 151B.190, 20 USC 706(8)(A)

STATUTORY AUTHORITY: KRS 151B.185, 151B.195

NECESSITY AND FUNCTION: KRS 151B.195 directs the Commissioner, Department of Vocational Rehabilitation to prescribe rules and regulations governing the services and administration of the Department of Vocational Rehabilitation. This regulation sets forth when an order of selection and an economic need test will be applied to the provision of vocational rehabilitation services in order to distribute limited funds more equitably over the entire population of otherwise eligible clients.

Section 1. Definitions. (1) "Client" means an individual who has been determined by an appropriate state unit staff member to meet the basic conditions of eligibility for vocational rehabilitation services as defined in 34 CFR 361.31(b), which is adopted without change.

(2) "Agency" or "department" means the Department of Vocational Rehabilitation, and its appropriate staff members who are authorized under state law to perform the functions of the state regarding the state plan and its supplement.

(3) "Permanent functional limitation" means an impairment in activity or function imposed by a disability that is not readily amenable to - or likely to be corrected through - surgical intervention ~~and~~ medical treatment. Use of the term permanent functional limitation in the agency's order of selection seeks to differentiate between those mental or physical conditions that are usually remedied through the provision of a physical or mental restoration service(s) and those other conditions or disabilities that impose or are likely to impose a permanent loss or substantial reduction in functioning regardless of

surgical ~~and~~ or medical intervention.

(4) "Commissioner" means Commissioner of the Department of Vocational Rehabilitation.

(5) "CARS" means Comprehensive Accounting and Reporting System. ~~["Competitive employment" means that an individual performs significant physical or mental activities in work for remuneration or profit in the public, private, or self-employment sector. Such employment will be the primary means of enabling an individual to remain or become financially self-sufficient.]~~

Section 2. Economic Need. Vocational rehabilitation services may be provided subject to economic need, as follows and with consideration of applicable comparable benefits as provided in 781 KAR 1:020, Section 2:

(1) An economic needs test shall be applied as a condition for furnishing the following vocational rehabilitation services:

- (a) Physical and mental restoration services;
- (b) Books, supplies, tools and equipment for vocational and other training;
- (c) Maintenance other than diagnostic;
- (d) Transportation other than diagnostic;
- (e) Services, other than diagnostic, to members of an individual's family necessary to the adjustment or rehabilitation of the individual who is handicapped;
- (f) Telecommunications, sensory, and other technological aids and devices;
- (g) Occupational licenses, tools, equipment, and initial stock (including livestock) and supplies;
- (h) Postemployment services;
- (i) Tuition and initial registration fees for training beyond the baccalaureate level;
- (j) Interpreter services for the deaf except as provided in subsection (2)(f) of this section;
- (k) Reader services for the blind;
- (l) Rehabilitation engineering except as provided in subsection (2)(e) and (f) of this section; and
- (m) Other goods and services which can reasonably be expected to benefit an individual who is handicapped in terms of employability.

(2) The following services shall be excluded from an economic needs test:

- (a) Diagnosis and evaluation of rehabilitation potential;
- (b) Counseling and guidance;
- (c) Services provided by staff at state-owned and operated rehabilitation facilities;
- (d) Placement;
- (e) Professional rehabilitation engineering services;
- (f) Rehabilitation engineering devices necessary for evaluation of rehabilitation potential;
- (g) Communication assistance in the individual's native language, including interpreters for individuals who are deaf for purposes of providing services set forth in paragraph (a), (b), (c), (d) or (e) of this subsection.
- (h) Tuition and initial registration fees for vocational and college training up to and including the baccalaureate level;
- (i) Adjustment training, driver training, on-the-job training; and
- (j) Supported employment job coaching ~~services, except as provided in subsection (1) of this section.~~

(3) Except as provided in 781 KAR 1:060, ~~[these]~~ clients who do not meet total financial need criteria shall apply 100 percent of the monthly excess income to their rehabilitation program.

(4) Ninety (90) percent of the 1990 Kentucky median gross income as adjusted to family size shall be used as the criterion for the agency economic needs test.

Section 3. Order of Selection. When the commissioner determines that the agency shall be unable to provide services to all eligible applicants ~~[who are handicapped]~~, the agency shall implement the order of selection.

(1) Any agency previously declared eligible for vocational rehabilitation services shall in no way be affected when the agency implements an order of selection.

(2) The order of selection shall not be applicable for clients whose needs are for nonpurchased services only (counseling, guidance, placement, referral services, coordination of comparable benefits, ~~and~~ or third party payments).

(3) The order of selection shall not be applicable for clients whose needs are for services at agency owned and operated rehabilitation facilities or for services at CARS contracted private not-for-profit rehabilitation facilities.

(4) On implementation of the order of selection, the agency shall continue to accept referrals of and applications from persons with disabilities.

(5) The order of selection shall in no way regulate the provision or authorization of diagnostic and evaluation services.

(6) All applicants shall be declared eligible or ineligible as appropriate on a timely basis.

(7) Any client entering accepted status after implementation of the order of selection shall be assigned to a priority category. If the priority category is open, the individual may be served. If, however, the priority category is closed, the individual's case shall be held in accepted status until such time as the priority category assigned is opened or the order of selection is lifted.

(8) The order of selection policy shall permit immediate reclassification into a higher priority category whenever circumstances justify the reclassification.

(9) If the agency is unable to provide services to all eligible clients with severe handicaps, eligible individuals with severe handicaps will be served on a first-applied, first-served basis established by date of application.

~~(10) [(9)]~~ The order of selection described in this section shall be followed with the categories to be served designated at the time of implementation.

~~(11) [(40)]~~ The order of selection system shall have four (4) ~~[six (6)]~~ priority categories as follows:

(a) Priority Category I - eligible clients with a severe handicapping condition.

(b) Priority Category II - eligible public safety officers with a nonsevere handicap whose handicapping condition arose from disability sustained in the line of duty.

(c) Priority Category III - eligible clients with a nonsevere handicap whose disability results in permanent functional limitations ~~[and who will have a vocational objective of competitive employment].~~

~~(d) Priority Category IV - [all other eligible clients with a nonsevere handicap whose disability results in permanent functional limitations.]~~

~~(e) Priority Category V - eligible clients with a nonsevere handicap whose disability limits or if not treated will limit one (1) or more major functional capacities.~~

~~(f) Priority Category VI -]~~ any other eligible clients whose handicap is nonsevere.

CARROLL BURCHETT, Commissioner

APPROVED BY AGENCY: July 14, 1992

FILED WITH LRC: July 15, 1992 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 21, 1992 at 10 a.m. Eastern Daylight Time in the State Board Room, 2nd Floor, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 16, 1992, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: George Parsons, Division of Program Development, Department of Vocational Rehabilitation, 935 Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: George Parsons

(1) Type and number of entities affected: All applicants and clients of the Department of Vocational Rehabilitation.

(a) Direct and indirect costs or savings to those affected: There are no identifiable cost savings. Any savings realized would be redistributed in the form of services to a larger population of citizens with disabilities.

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: The only reporting requirements are those needed to promulgate this regulation.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: There are not direct or indirect costs or savings.

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: There is no additional paperwork other than that need to promulgate this regulation.

(3) Assessment of anticipated effect on state and local revenues: There should be no additional impact on state or local revenue.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternative methods were considered. Counsel has advised that the material is restrictive and is designated by KRS Chapter 13A as regulatory in nature.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute, regulation, or policy which is in conflict, overlaps or duplicates this regulation.

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

TIERING: Was tiering applied? No. Federal statutes and regulations require uniformity in rules and regulations dealing with applicants or clients for vocational rehabilitation services.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 34 CFR 361 revised by Federal Register (52 FR 44366) November 18, 1987.

2. State compliance standards. This administrative regulation details the agency standards for an economic needs test and an order of selection for vocational rehabilitation services.

3. Minimum or uniform standards contained in the federal mandate. The federal mandate permits a state to restrict access to services based on reasons of economic need; an order of selection is required when sufficient funds are not available to serve all eligible individuals.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? Yes

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The Department of Vocational Rehabilitation is financially unable to provide services for all the eligible individuals. An economic needs test and an order of selection must be imposed which will allow available limited funds to be distributed while assuring adequate services will be available to serve persons with severe disabilities.

CABINET FOR HUMAN RESOURCES
Department for Employment Services
Division of Unemployment Insurance
(Proposed Amendment)

903 KAR 5:270. Maximum weekly benefit rates.

RELATES TO: KRS 341.380

STATUTORY AUTHORITY: KRS 194.050, 341.380

NECESSITY AND FUNCTION: KRS 341.380 requires the Secretary for Human Resources to determine the average weekly wage for insured employment. Fifty-five (55) percent of this amount adjusted to the nearest multiple of one (1) dollar constitutes the maximum weekly unemployment insurance benefit rate for those workers whose benefit year commences on or after July 1, 1992 [1994], and prior to July 1, 1993 [1992]. This regulation applies the mathematical computation required by statute and contains the determination of the maximum weekly benefit rate.

Section 1. The secretary finds the following to exist:

(1) The "total monthly employment" reported by subject employers for the calendar year of 1991 [1990] was 16,432,030 [~~16,400,304~~];

(2) The "average monthly employment," obtained by dividing the total monthly employment by twelve (12), was 1,369,336 [~~1,366,692~~];

(3) The "total wages" reported by subject employers for the calendar year of 1991 [1990] was \$28,082,939,030 [~~27,005,770,439~~];

(4) The "average weekly wage" for the calendar year of 1991 [1990] for insured employment, obtained by dividing the average monthly employment into total wages for such year and dividing by fifty-two (52), was \$394.39 [~~389~~];

(5) Fifty-five (55) percent of the average weekly wage of \$394.39 [~~389~~] for the calendar year of 1991 [1990] was \$216.91 [~~209~~].

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Section 2. On the basis of the above findings, and in accordance with KRS 341.380(3), the maximum weekly benefit rate for those workers whose benefit year commences on or after the first day of July, 1992 [1994], and prior to the first day of July, 1993 [1992], is determined to be \$217 [~~209~~].

MARGARET WHITTET, Commissioner

LEONARD E. HELLER, Secretary

APPROVED BY AGENCY: June 18, 1992

FILED WITH LRC: June 19, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 21, 1992 at 9 a.m. in the Vital Statistics Conference Room, Cabinet for Human Resources Building, First Floor, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 16, 1992, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Masten Childers II, General Counsel, Office of General Counsel, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Margaret Whittet

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected:

1. First year: All eligible UI recipients for the year 7/1/92 through 6/30/93.

2. Continuing costs or savings: An estimated additional \$9,272,704 paid to eligible UI recipients.

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: An additional \$9,272,704 paid from the Unemployment Insurance Trust Fund to UI recipients.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: The number of people filing UI claims may increase or decrease.

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternative methods available in accordance with statutory requirements.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments: This regulation satisfies the statutory requirements of KRS 341.380(3), which mandates that the secretary determines the maximum weekly rate prior to July 1 of each year.

TIERING: Was tiering applied? No. All claimants treated equally.

CABINET FOR HUMAN RESOURCES
Department for Social Insurance
Division of Management & Development
(Proposed Amendment)

904 KAR 2:006. Technical requirements; AFDC.

RELATES TO: KRS 205.010, 205.200(2), (3), 45 CFR 205.52, 205.10, 232.11-12, 232.40-48, 233.10, 233.40, 233.50, 45 CFR 233.90, 233.100, 250, "Expansion of Definition of Specified Caretaker Relative", Transmittal No. ACF-AT-91-33 (December 12, 1991), U.S. Department of Health and Human Services, Administration for Children & Families, Office of Family Assistance

STATUTORY AUTHORITY: KRS 194.050, 205.200(2), (3)

NECESSITY AND FUNCTION: The Cabinet for Human Resources has the responsibility under the provisions of KRS Chapter 205 to administer the assistance program of Aid to Families with Dependent Children (AFDC). KRS 205.200(2) requires that the conditions of eligibility to receive AFDC money grants be prescribed by regulations in conformity with 42 USC 602 and federal regulations. This regulation sets forth the technical requirements of residence, deprivation, living with a relative, age, one (1) category of assistance, work registration, job opportunities and basic skills (JOBS) program participation, cooperation in child support enforcement activities and potential entitlement for other programs for eligibility for AFDC.

Section 1. Definitions. (1) "Assessment" means the ongoing evaluation of an individual's educational and vocational potential.

(2) "Barriers" are any hardships the individual shall overcome to participate in education, training or employment.

(3) "Case manager" means the Department for Social Insurance (DSI) individual who:

(a) Determines ongoing AFDC or medical assistance (MA) or food stamp (FS) eligibility and benefit levels for all case action in the household of a JOBS participant;

(b) Aids the JOBS participant by brokering services for the participant;

(c) Identifies and resolves barriers to the extent possible; and

(d) Delivers JOBS related services to the participant.

(4) "Conciliation" is a process in which participation problems in the JOBS program can be resolved.

(5) "JOBS" means a program which assists recipients of AFDC in obtaining the necessary education and training that will lead to

gainful employment and self-support.

(6) "Target population" means that group composed of each individual who:

(a) Is receiving AFDC, and who has received AFDC for any thirty-six (36) of the sixty (60) months immediately preceding the most recent month for which application has been made;

(b) Makes application for AFDC and has received AFDC for any thirty-six (36) of the sixty (60) months immediately preceding the most recent month for which application has been made;

(c) Is a custodial parent under the age of twenty-four (24) who:

1. Has not completed a high school education and, at the time of application for AFDC, is not enrolled in high school or a high school equivalency course of instruction; or

2. Had little or no work experience in the preceding year; or

(d) Is a member of a family in which the youngest child is within two (2) years of being ineligible for AFDC because of age.

Section 2. Residence and Citizenship. (1) Residence. A resident is anyone who:

(a) Is living in the state;

(b) Entered the state with a job commitment or seeking employment; and

(c) Is not receiving AFDC benefits from another state.

(2) Citizenship. AFDC shall be provided only to:

(a) Citizens;

(b) Aliens lawfully admitted for permanent residence; or

(c) Aliens otherwise permanently residing in the United States under color of law.

Section 3. Deprivation. (1) To be eligible for AFDC, a child shall be in need and shall be deprived of parental support of a natural or adoptive parent or care due to:

(a) Death;

(b) Continued absence from the home;

(c) Physical or mental incapacity; or

(d) Effective October 1, 1990, unemployment.

~~[(2) A married child living with his spouse in the home of his parents is not deprived of parental support or care.~~

~~[(3) A married child living in the home of his parents but divorced or legally separated from his spouse is deprived of parental support if he is dependent on the parent and a parent is:~~

~~(a) Dead;~~

~~(b) Incapacitated;~~

~~(c) Unemployed; or~~

~~(d) Continually absent from the home.~~

~~[(2) [(4)] Continued absence from the home.~~

(a) To be eligible for AFDC, a needy child shall be physically separated from the parent and:

1. The nature of the absence of the parent interrupts or terminates the parent's functioning as a provider of maintenance, physical care, or guidance for the child; and

2. The known or indefinite duration of absence precludes counting on the parent's performance of his function in planning for the present support or care of the child.

(b) Absence may be voluntary or involuntary.

1. Voluntary absence includes:

a. Divorce;

b. Legal separation;

c. Marriage annulment;

d. Desertion of thirty (30) days or more;

e. Forced separation of seven (7) days or more; or

f. Birth out-of-wedlock.

2. Involuntary absence includes:

a. Commitment to a penal institution for thirty (30) days or more;

b. Long-term hospitalization;

c. Deportation; or

d. Single parent adoption.

(c) A parent who is a convicted offender but is permitted to live at home while serving a court-imposed sentence by performing unpaid public work or unpaid community service during the workday is considered absent from the home.

(3) [(6)] Incapacity.

(a) All determinations regarding whether a child has been deprived of parental support or care by reason of the physical or mental incapacity of a natural or adoptive parent shall be in conformance with federal regulations and the criteria set forth in this subsection.

(b) Each determination shall be based on a full consideration and assessment of all medical, social, and economic factors involving a particular claimant.

(c) If a verified medical condition exists, then all relevant social and economic factors shall be considered to determine whether the parent's condition is the cause of and results in a parent's inability to support or care for the child.

1. Incapacity exists in each case when the following criteria are met:

a. It is medically determined that one (1) parent has a physical or mental defect, illness or impairment which was:

(i) Present at the time of application; and

(ii) Which has continued or is expected to last for a period of at least thirty (30) calendar days. This may include a period in which the claimant is undergoing planned diagnostic studies or evaluation of rehabilitation potential; and

b. It is determined by nonmedical evaluation that such defect, illness or impairment is debilitating to the extent of reducing substantially or eliminating the parent's ability to support or care for an otherwise eligible child.

2. Factors to be considered in making the medical determination shall include:

a. The claimant's medical history and subjective complaints regarding an alleged physical or mental defect, illness or impairment; and

b. Competent medical testimony relevant to:

(i) Whether a physical or mental defect, illness or impairment exists;

(ii) Whether the defect, illness or impairment is enough to reduce the parent's ability to support or care for a child; and

(iii) Whether the defect, illness or impairment is likely to last thirty (30) days. The thirty (30) days is not intended to be a "waiting period." Rather, expected duration is pertinent to causal relationship and substantiality.

3. Factors to be considered in making the nonmedical evaluation shall include:

a. The claimant's:

(i) Age;

(ii) Employment history;

(iii) Vocational training;

(iv) Educational background; and

(v) Subjective complaints regarding the alleged effect of the physical or mental condition on the claimant's ability to support or care for the child; and

b. The extent and accessibility of employment opportunities available in the claimant's area of residence.

4. In determining the extent and accessibility of available employment opportunities, the limited employment opportunities of handicapped individuals shall be taken into account; and

a. Available printed materials that provide information regarding available employment opportunities shall be researched;

b. The local Department for Employment Service (DES) office shall be contacted regarding accessible employment opportunities within the claimant's area of residence; and

c. The claimant shall be referred, if necessary, for further appraisal of his abilities.

5. A written report shall be made of the determination under this subsection.

6. Each claimant shall be provided timely and adequate notice of and an opportunity for a fair hearing as provided in 904 KAR 2:055.

(4) [(6)] Unemployment. The determination that a child is deprived of parental support due to the unemployment of a parent shall be based on the determination that the principal wage earner meets the criteria of unemployment and has a prior labor market attachment.

(a) Principal wage earner (PWE). The PWE is the parent who

earned the greater amount of income in the twenty-four (24) months immediately preceding the month of application.

1. If the agency is unable to secure primary evidence of earnings to determine which parent is the PWE, the agency shall designate the PWE using the best evidence available.

2. If both parents earned identical amounts of income, or no income, the agency shall designate the parent meeting the criteria of unemployment, as specified in subsection (4)(b) of this section.

3. Earnings of each parent shall be considered in determining the PWE regardless of when their relationship began.

4. PWE designation shall remain with the same parent as long as assistance is received on the basis of the same application.

(b) Unemployment. A parent shall be considered to be unemployed if:

1. Employed less than 100 hours in a calendar month; or

2. Employment exceeds 100 hours in a particular month, but the work is intermittent and the excess is of a temporary nature. This would be evidenced by the fact that the parent was under the 100 hour standard in the prior two (2) months and is expected to be under the 100 hour standard in the following month.

(c) Prior labor market attachment (PLMA).

1. PLMA is met if the parent:

a. Earned not less than fifty (50) dollars during each of six (6) or more calendar quarters ending on March 31, June 30, September 30 or December 31, within any thirteen (13) calendar quarter period ending within one (1) year of the application;

b. Within twelve (12) months prior to application, received unemployment compensation; or

c. Is currently receiving unemployment compensation or if potentially eligible, has made application for and complies with the requirements to receive unemployment insurance benefits.

2. In determining whether or not criteria in subsection (4)(c)1a of this section is met, the following shall be taken into consideration:

a. Participation in CWP or WIN prior to October 1, 1990, and in JOBS after October 1, 1990, shall be considered as earning an income in determining PLMA.

b. Full-time attendance, as defined by the school or institution, in educational activities may be substituted for two (2) of the six (6) calendar quarters.

c. Gross income from self-employment and farming qualify as earned income in determining prior labor market attachment. The self-employed individual does not have to realize a profit to meet this requirement.

(d) Restrictions. Unemployment shall not exist if the PWE:

1. Is on strike;

2. Is temporarily unemployed:

a. Due to weather conditions or lack of work;

b. If there is a job to return to; and

c. Return can be anticipated within thirty (30) days or at the end of a normal vacation period;

3. Is unavailable for full-time employment;

4. Is under contract for employment, unless a written statement from the employer verifies that the individual is subject to release from the contract if full-time employment is secured;

5. Has not met the criteria of unemployment for at least thirty (30) days;

6. Has not applied for unemployment benefits, if potentially eligible;

7. Is not:

a. Registered for work under Section 8 of this regulation; or

b. Subject to JOBS, under Section 9 of this regulation; or

8. Has refused a bona fide offer of employment or training for employment without good cause in the thirty (30) days prior to AFDC-UP eligibility or during the course of receipt of AFDC-UP benefits. Good cause exists if criteria specified in 904 KAR 2:016, Section 4(4)(a)1, 2, 3, or 4 is met.

Section 4. Living with a Specified Relative. To be eligible for AFDC a needy child shall be living in the home of a relative as follows:

(1) A blood relative, including father, mother, grandfather,

grandmother, brother, sister, uncle, aunt, nephew, niece, first cousin and first cousin once removed.

(2) Also relatives of the half-blood and preceding generations as denoted by prefixes of grand, great, great-great or great-great-great; a stepfather, stepmother, stepbrother, stepsister.

(3) Any person listed above if parent has had paternity established through the administrative determination process. An administrative determination of paternity is limited to situations in which the following types of evidence are present:

- (a) A birth certificate listing the alleged parent; or
- (b) Legal documents such as:
 1. Hospital records;
 2. Juvenile court records;
 3. Wills; and
 4. Other court records which clearly indicate the relationship of the alleged parent or relative; or
- (c) Receipt of statutory benefits as a result of the alleged parent's circumstances; or
- (d) A sworn statement or affidavit of either parent acknowledging paternity plus one (1) of the following:
 1. School records;
 2. Bible records;
 3. Immigration records;
 4. Naturalization records;
 5. Church documents, such as baptismal certificates;
 6. Passport;
 7. Military records;
 8. U.S. Census records; or
 9. Sworn statement or affidavit from an individual having specific knowledge about the relationship between the alleged parent and child.

(e) Rebuttal of paternity.

1. Effective April 1, 1987, in cases in which the parent or, in the absence of the parent, the caretaker relative alleges the evidence present in paragraphs (a) or (b) of this subsection is erroneous and provides substantiation of the erroneous information, the parent or caretaker relative shall provide a sworn statement or affidavit acknowledging the erroneous information and containing the correct information on the actual alleged parent.

2. Presence of the sworn statement or affidavit will serve as rebuttal to the evidence present in paragraphs (a) or (b) of this subsection and a determination of paternity will not be acknowledged.

(4) Adoptive parents as well as the natural and other legally adopted children and other relatives of such parents.

(5) Husband or wife of any persons listed above even if the marriage may have terminated, providing termination occurred after the birth of the child.

(6) If the parent continues to exercise control over the child, a child is considered as living in the home even when temporarily absent for:

- (a) Medical care;
- (b) Attendance at boarding school;
- (c) College or vocational school;
- (d) Emergency foster care; or
- (e) Short visits with friends or relatives.

Section 5. Age and School Attendance. (1) A child may be eligible for AFDC from birth to age eighteen (18).

(2) A child may be eligible to age nineteen (19) if:

- (a) A full-time student in a secondary school; or
- (b) The equivalent level of vocational or technical training; and
- (c) Expected to complete the program prior to or during the month of their 19th birthday.

(3) Full- and part-time is defined in 904 KAR 2:016, standards for need and amount; AFDC.

(4) Unless he has indicated an intention not to reenter school, a child is considered in regular attendance in months in which he is not attending because of:

- (a) Official school or training program vacation;
- (b) Illness;
- (c) Convalescence; or

(d) Family emergency.

Section 6. One Category of Assistance. (1) A child or adult relative shall not be eligible for AFDC if receiving supplemental security income (SSI).

(2) If a child who receive SSI meets the AFDC requirements of age, deprivation and living in the home of a specified relative, the specified relative may be approved for AFDC if all other eligibility factors are met.

Section 7. Strikers. (1) A family shall be ineligible for benefits for any month in which the natural or adoptive parent, with whom the child is living is, on the last day of such month, participating in a strike; and

(2) No individual shall be considered eligible for benefits for any month if, on the last day of such month, such individual is participating in a strike.

(3) Strike shall be defined to include a strike or other concerted stoppage of work by employees (including a stoppage by reason of expiration of a collective bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees.

Section 8. Work Registration. (1) In a case based on the deprivation of unemployment, the PWE shall register for work with the DES if:

(a) He resides in a non-JOBS county; or

(b) He resides in a JOBS county and is exempt from participation as specified in Section 9(1)(e) of this regulation.

(2) Failure of the PWE to register for work shall result in removal of the needs of the sanctioned individual and the second parent, unless the second parent has volunteered or is participating in JOBS.

Section 9. Job Opportunities and Basic Skills (JOBS) Training Program. (1) Exemptions. Effective October 1, 1990, all AFDC recipients are required to participate in the JOBS program if the program is available in the county of residence unless the recipient:

(a) Is a child who:

1. Is under age sixteen (16); or
2. Attends, full time, an elementary secondary, vocational or technical school (unless he was enrolled in school through the JOBS program);

(b) Is ill and the illness or injury is serious enough to temporarily prevent entry into employment or training;

(c) Is incapacitated to the extent that the physical or mental impairment would prevent the recipient from participating in the JOBS program. This may include a period of recuperation after child birth if prescribed by a woman's physician;

(d) Is sixty (60) years old or older;

(e) Resides in a county which offers the JOBS program but in a location in which travel time to the JOBS activity would exceed two (2) hours round trip by reasonably available public or private transportation, exclusive of time necessary to transport children to and from a child care facility;

(f) Is needed in the home because another member of the household requires the individual's presence due to illness or incapacity;

(g) Is working at least thirty (30) hours per week;

(h) Is pregnant and the child is expected to be born within the following six (6) month period;

(i) Is the parent or other relative who is personally providing care for a child under age three (3), except as specified in subsection (5)(c) of this section;

(j) Is a full-time VISTA volunteer.

(k) Is the parent or other relative personally providing care for a child under six (6) years of age unless the state IV-agency assures that child care will be guaranteed.

(2) Volunteers. All persons in active JOBS counties ~~who are exempt~~ as specified in subsection (1) of this section may volunteer to participate in the JOBS program.

(a) The DSI shall give first priority for JOBS services to volunteers within the target population to be served.

(b) A volunteer who is exempt, as specified in subsection (1) of this section and who stops participating without good cause, shall lose priority status for JOBS services if he volunteers at a later time.

(c) A volunteer who is not exempt and who stops participating without good cause shall be subject to sanctions, as specified in subsection (10) of this section.

(3) Components. All JOBS counties shall offer the following services and activities:

(a) Education is provided:

1. Below the postsecondary level:

- a. High school or equivalent;
 - b. Basic or remedial education; and
 - c. English as a second language; or
2. At the postsecondary level if:

a. The occupational assessment indicates that the participant has the aptitude to perform a specific job for which this education and training is required;

b. The participant has or is capable of achieving the basic literacy skills required by the occupation; and

c. Jobs are available in the specific occupation for which education and training is needed.

(b) Job skills training which includes vocational training for a participant in technical job skills and equivalent knowledge and abilities in a specific occupational area.

(c) Job readiness activities that help prepare participants for work by familiarizing them with workplace expectations, attitudes and appropriate behavior.

(d) Job development and job placement activities for soliciting public and private employers' job openings, marketing participants, and securing job interviews for participants.

~~[(4) Optional components. All JOBS counties shall offer]~~

~~(e) Job search which provides group and individual assistance and training with job-seeking activities; [and at least one (1) of the following components:]~~

~~(f) [(a)] On-the-job training in which a JOBS participant is hired by a private or public employer and receives job training or skills essential to the full and adequate performance of that job;~~

~~(g) [(b)] Community work experience program which provides unpaid work experience and training to assist participants to move promptly into regular public or private employment.~~

~~[(c) Work supplementation in which JOBS funds are used to develop and subsidize jobs for AFDC recipients. A participant's AFDC grant shall be reduced and that portion paid to the employer instead of to the participant to subsidize the individual's wages.]~~

~~(4) [(5)] JOBS participation requirements.~~

(a) Assessment. When an AFDC recipient has been identified as a JOBS participant, the individual shall be referred to a JOBS case manager. The case manager shall make an assessment of the individual's employability. The assessment shall include consideration of basic skills, work skills, occupational skills, and barriers. The assessment shall be based on:

1. Education, child care and other supportive service needs;
2. The individual's proficiencies, skills deficiencies, and prior work experience;
3. The needs of the family of the participant;
4. Any other relevant factors.

(b) Employability plan. Based on the findings of the assessment, the agency and participant shall jointly develop an employability plan. This plan shall contain:

1. An employment goal for the participant;
2. Services to be provided by the agency (including child care);
3. JOBS activities to be undertaken to achieve the employment goal;
4. Other needs of the family.

(c) Special participation requirements for education.

1. An AFDC parent under age twenty (20) who resides in a JOBS county shall be required to participate in educational activities if:

- a. The parent is not otherwise exempt;
- b. The parent lacks a high school diploma or has basic skills in reading or math below the 8.9 grade level.

2. For purposes of this requirement, the exemption contained at

subsection (1)(i) of this section shall not qualify the participant for exemption from JOBS educational activities.

3. The agency may require a parent aged eighteen (18) or nineteen (19) to participate in work or training activities instead of education if:

a. The parent fails to make good progress in successfully completing educational activities; or

b. Prior to any assignment of the individual to educational activities it is determined, based on an educational assessment and the employment goal established in the individual's employability plan, that participation in educational activities is inappropriate for the parent.

(d) Participation for parents with children under age six (6). Participants with children under age six (6) who are not required to participate in education (as specified in subsection (5)(c) of this section) shall not be required to participate in the JOBS program for more than twenty (20) hours per week.

~~(5) [(6)] Self-initiated JOBS activities. Self-initiated JOBS activities refer to approved activities of individuals who of their own accord began education or training activities. These individuals shall be in good standing at an institution of higher education or school or other entity offering a course of vocational or technical training. Activity below the postsecondary level shall be included if it is determined to be appropriate for the participant's employability plan. Both exempt and nonexempt individuals may be approved for self-initiated education or training for their JOBS activity. The participant shall be attending:~~

~~[(a) At least half time, as defined by the institution;]~~

~~[(a) [(b)] A JTPA-funded training program; or [-if in training;]~~

~~[(b) [(c)] A public source or private institution that is licensed by the Kentucky Board for Proprietary Education or recognized by the appropriate regulatory agency or licensing body for the state in which the training is located; or~~

~~[(c) An associate degree program which will qualify the participant for a recognized occupation; or~~

~~(d) Other education or training which would otherwise be an approved JOBS activity, for example:~~

1. GED;
2. Literacy;
3. Other approved education [attended less than half time].

~~[(6) [(7)] Good and satisfactory progress.~~

(a) Each participant in an education or training component shall meet good and satisfactory progress requirements. Good and satisfactory progress criteria for all JOBS educational activities and approved self-initiated education is established by the educational institution. Good and satisfactory progress shall be measured and reported to the DSI at the following intervals:

1. Literacy, adult basic education, or general educational development. Good and satisfactory progress is measured at intervals determined by the educational providers ~~[(the end of seventy-five (75) hours or the 12th month of instruction, whichever comes first)].~~

2. High school. Good and satisfactory progress shall be measured at the end of each semester or quarter.

3. Technical. Good and satisfactory progress shall be measured at regularly scheduled intervals, as defined by the institution.

4. Proprietary school. Good and satisfactory progress shall be measured at the end of each regularly scheduled grading period as defined by the institution, never to exceed a twelve (12) month period.

5. College. Good and satisfactory progress shall be measured at the end of a semester or quarter.

6. DES components. Good and satisfactory progress shall be measured on a monthly basis.

~~[(7) [(8)] Conciliation. A conciliatory meeting shall be conducted in the following instances:~~

- (a) At the request of a JOBS participant;
- (b) At the request of a component provider; or
- (c) When a situation is identified which could result in a sanction (as specified in subsection (10) of this section).

(d) The DSI, the DES, or both agencies jointly shall conduct the conciliatory meetings. During the meetings, the agency shall determine if additional services are needed to assist with JOBS participa-

tion. Participation shall be monitored for thirty (30) days following the initial meeting to ensure that the dispute has been resolved. The thirty (30) day period may be extended for an additional thirty (30) days, if necessary.

(e) At the conclusion of the conciliation period, the participant shall be notified in writing of the results of the conciliation.

(8) [(9)] Good cause.

(a) Good cause for noncompliance in the JOBS program or refusal to accept employment shall be found if:

1. The participant is personally providing care for a child under age six (6) and employment or JOBS participation would require the individual to work more than twenty (20) hours per week;
2. Necessary child care is not available;
3. Employment would result in a net loss of cash income;
4. The individual is unable to engage in employment or training for mental or physical reasons including participation in a drug and alcohol rehabilitation program;
5. Unavailability of transportation (including unavailability due to costs which exceed the reimbursement) with no readily accessible alternative means of transportation available;
6. Travel time to the work site or JOBS component site exceeds two (2) hours round trip daily;
7. Illness of another household member requiring the presence of the participant;
8. The participant is temporarily incarcerated;
9. Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs occurs;
10. Work demands or conditions render continued employment unreasonable. Examples are:
 - a. Consistently not being paid on schedule; or
 - b. The presence of a risk to the individual's health or safety;
11. Wage rates are decreased subsequent to acceptance of employment;
12. The participant accepts a better job which, because of circumstances beyond the control of the recipient, does not materialize;
13. A household emergency occurs, such as:
 - a. Death of a member of the immediate family;
 - b. Entry into a spouse abuse center;
 - c. Natural disasters;
 - d. Court appearance;
 - e. Victim of crime; or
 - f. Flooded basement; or
14. The participant receives temporary military assignment.

(b) The duration of good cause criteria may vary according to individual circumstances.

(9) [(40)] Sanctions.

(a) When an AFDC recipient fails to comply with the requirements of the JOBS program, he shall be subject to JOBS and AFDC sanctions. Failure to comply shall be found when the participant:

1. Fails without good cause to participate in the required interview, assessment, and employability plan activities;
2. Fails without good cause to participate in the program;
3. Refuses without good cause to accept employment; or
4. Terminates employment or reduces earnings without good cause.

(b) Persons who have failed to comply without good cause shall be sanctioned, as follows:

1. The participant is excluded from JOBS activities and services;
 - a. For the first failure to comply, until the failure to comply ceases;
 - b. For the second failure to comply, until the failure to comply ceases, or three (3) months, whichever is longer; and
 - c. For any subsequent failure to comply, until the failure to comply ceases, or six (6) months, whichever is longer.
2. In determining the amount of the AFDC grant, the agency shall not take into account the needs of the sanctioned individual, beginning with the first administratively feasible month after JOBS sanctions begin. In a case based on unemployment, the agency shall not take into account the needs of the sanctioned individual and the second parent, unless the second parent is participating in JOBS.
3. A sanctioned individual shall participate in a designated activity

for two (2) weeks before the failure to comply is considered to have ceased. At that time, the sanctions shall be terminated.

Section 10. Cooperation in Child Support Enforcement Activities.

(1) Inclusion of a specified relative in the AFDC budget is dependent upon his cooperation in child support activities and refusal, except for "good cause," results in ineligibility of the relative with AFDC payments on behalf of the child made to a protective payee.

(2) If, after exclusion from the grant for failure to cooperate, the individual states that he is willing to cooperate and wishes to be reinstated, a supplemental application must be completed. If eligibility criteria are met, the individual will be added to the grant effective with the month of application and the protective payee will be removed.

(3) The Cabinet for Human Resources shall provide written notice to the applicant or recipient that he may claim good cause for refusing to cooperate.

(4) The applicant or recipient shall be determined to have "good cause" for failing to cooperate only when one (1) or more of the following criteria is met:

(a) The applicant or recipient's cooperation is reasonably anticipated to result in physical or emotional harm of a serious nature to the child; or

(b) The applicant or recipient's cooperation is reasonably anticipated to result in physical or emotional harm of a serious nature to himself to such an extent that it would reduce his capacity to care for the child(ren) adequately; or

(c) The child was conceived as a result of incest or forcible rape and the department believes it would be detrimental to the child to require the applicant's or recipient's cooperation; or

(d) Legal proceedings for adoption of the child by a specific family are pending before a court of competent jurisdiction; and the department believes it would be detrimental to the child to require the applicant's or recipient's cooperation; or

(e) The applicant or recipient is being assisted by a public or licensed private social agency to resolve whether to keep the child or release him for adoption and discussion has not gone on for more than three (3) months and the cabinet believes it would be detrimental to the child to require the applicant's or recipient's cooperation.

(5) Specific requirements in determining the existence of good cause and the time limits for providing substantiation of claims are made.

Section 11. Potential Entitlement for other Programs. (1) All applicants or recipients shall apply for and comply with the requirements to receive any benefit if potential entitlement exists.

(2) Failure to apply results in ineligibility for AFDC.

Section 12. Furnishing of Social Security Account Numbers. All applicants or recipients shall furnish social security account numbers.

Section 13. Assignment of Rights to Support. By accepting assistance for or on behalf of a child, a recipient is deemed to have made an assignment to the Cabinet for Human Resources of any child support owed for the child not to exceed the amount of AFDC payments made to the recipient.

Section 14. Assignment of Rights to Medical Support. By accepting assistance for or on behalf of a child, a recipient is deemed to have made an assignment to the Cabinet for Human Resources of any medical support owed for the child not to exceed the amount of medical assistance payments made on behalf of the recipient.

Section 15. Material Incorporated by Reference. (1) Forms necessary for participation in the JOBS program are being incorporated effective October 1, 1990.

(2) Material incorporated by reference may be inspected and copied at the Department for Social Insurance, 275 East Main Street, Frankfort, Kentucky 40621. Office hours are 8 a.m. to 4:30 p.m.

MIKE ROBINSON, Commissioner
LEONARD E. HELLER, Secretary

APPROVED BY AGENCY: July 1, 1992
FILED WITH LRC: July 2, 1992 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 21, 1992 at 9 a.m. in the Vital Statistics Conference Room, First Floor, CHR Building, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 16, 1992, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Masten Childers II, General Counsel, Office of General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James E. Randall

(1) Type and number of entities affected: 1. Married children - the department currently excludes these individuals from any AFDC payment. It is not possible to identify how many married children living with their spouse in their parents home will qualify for an AFDC payment. The Department for Medicaid Services has estimated that 400 to 500 additional recipients will be added to the Medicaid program. 2. Volunteers in JOBS - the department has no means of predicting the number of nonexempt participants who will volunteer in the JOBS program. Currently only those who are exempt may volunteer. 3. Work supplementation - we have figured that approximately 298 unemployed parents may be affected by removing this JOBS component. These individuals shall be placed in other work programs to meet requirements. 4. Self-initiated activities - this change will not affect any entities but rather is an administrative measurement change.

(a) Direct and indirect costs or savings to those affected:

1. First year: a) Married children - there is no way to determine how many children will qualify for AFDC payments based on the recent clarification. As income of the child's spouse is countable, we cannot predict cost or savings to the affected households. b) Volunteers in JOBS - there is no way to determine how many nonexempt participants will volunteer to participate in the JOBS program. However, volunteer status, in and of itself, has no cost or savings associated. c) Work supplementation - there will not be a direct or indirect cost or savings to those affected by the deletion of this component. d) Self-initiated activities - there will not be a direct or indirect cost or savings to those affected by the changes to make these activities more consistent with other JOBS activities.

2. Continuing costs or savings: Same as above.

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: Married children - none. Volunteers in JOBS - none. Work supplementation - none. Self-initiated activities - none.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: 1. Married children - as stated above, there is no way to determine how many married children will qualify for AFDC payments based on the recent clarification. Due to consideration of the income (if any) of the child's spouse, we cannot predict savings or cost to the agency. The Department for Medicaid Services has projected increased benefit and administration costs of \$440,000 to \$550,000. 2. Volunteers in JOBS - an increase in volunteers does not affect agency costs, as the maximum number to be served will not increase as a result. 3. Work supplementation - when work supplementation was added as a JOBS component the cost was determined to be \$1,500 per placement. Based on the federal regulations, at least one parent in households receiving AFDC as a result of the unemployment of the primary wage earner shall participate in a work program. We estimated approximately 10% would be placed in work supplementation. As of July 1, 1992, this would significantly increase placement of unemployed parents into the work related components. Our savings is based on 298 placements at \$1,500 each for a total savings of \$447,000. By removing the work supplementation component we can place these individuals into a less expensive component, such as the community work experience program. 4. Self-initiated activities - there will not be a direct or indirect cost or savings as a result of the changes in this amendment.

2. Continuing costs or savings: Same as above.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Married children - none. Volunteers in JOBS - none. Work supplementation - none. Self-initiated activities - none.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: None. Federal mandates establish the policies regarding married children and JOBS volunteers.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Eligibility conditions for AFDC must be applied on a consistent and equitable basis in accordance with federal regulations at 45 CFR 233.10(a)(1).

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 45 CFR 206.10(a)(1)(vii)(A) and (B), 45 CFR 233.10(b)(ii)(A) and 45 CFR 250.31.

2. State compliance standards. The state compliance standards are the same as the federal minimum requirements.

3. Minimum or uniform standards contained in the federal mandate. All states which administer an AFDC program shall consider married children living with their spouse in their parent's home as deprived of parental support. All states shall permit nonexempt AFDC recipients to volunteer for the JOBS program.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. None

CABINET FOR HUMAN RESOURCES Department for Medicaid Services (Proposed Amendment)

907 KAR 1:013. Payments for hospital inpatient services.

RELATES TO: KRS 205.520, 205.575, HB 468 part I.G. #52.b.2. of the 1992 GA

STATUTORY AUTHORITY: KRS 194.050, HB 468 part I.G. #52.b.2. of the 1992 GA, 20 CFR 405.402 through 405.488, 42 CFR 440.10, 440.140, 447.250 through 447.280, 42 USC 1396a, b, d, r-4

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance. KRS 205.520 empowers the cabinet, by administrative regulation, to comply with any requirement that may be imposed, or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. KRS 205.575 provides for hospital indigent care assurance program (HICAP) payments. This administrative regulation sets forth the method for determining amounts payable by the cabinet for hospital inpatient services.

Section 1. Acute Care Hospital, Rehabilitation Hospital and

Mental Hospital (Including Psychiatric Facility) Inpatient Services. The Department for Medicaid Services shall pay for inpatient hospital services provided to eligible recipients of Medical Assistance through the use of rates that are reasonable and adequate to meet the costs that are required to be incurred by efficiently and economically operated hospitals to provide services in conformity with applicable state and federal laws, regulations, and quality and safety standards.

Section 2. Establishment of Payment Rates. The policies, methods, and standards to be used by the cabinet in setting payment rates are specified in the cabinet's "Inpatient Hospital Reimbursement Manual" revised July 1, 1992 [1994], which is incorporated by reference in this administrative regulation. For any reimbursement issue or area not specified in the manual, the cabinet shall apply the Medicare standards and principles (excluding the Medicare inpatient routine nursing salary differential). The Kentucky Medical Assistance Program Inpatient Hospital Reimbursement Manual may be reviewed during regular working hours of {8 a.m. to 4:30 p.m.} eastern time in the Office of the Commissioner, Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky 40621. Copies may also be obtained from that office upon payment of an appropriate fee which shall not exceed approximate cost.

Section 3. General Description of the Payment System. (1)(a) Use of prospective rates. Each hospital shall be paid using a prospective payment rate based on allowable Medicaid costs and Medicaid inpatient days except as otherwise provided for in this section. The prospective rate shall be all inclusive in that both routine and ancillary cost shall be reimbursed through the rate. For universal rate years prior to January 1, 1985 the prospective rate shall not be subject to retroactive adjustment except to the extent that an audited cost report alters the basis for the prospective rate or the projected inflation index utilized in setting the individual rate is different from actual inflation as determined by the index being used. For universal rate years beginning on or after January 1, 1985, the prospective rate shall not be subject to retroactive adjustment except to the extent that facilities with a rate based on unaudited data shall have their rate appropriately revised for the rate year when the audited cost report is received from the fiscal intermediary. However, total prospective payments shall not exceed the total customary charges in the prospective year. Overpayments shall be recouped by payment from the provider to the cabinet of the amount of the overpayment, or alternatively, by the withholding of the overpayment amount by the cabinet from future payments otherwise due the provider.

(b) Effective with regard to payments for services provided on or after July 1, 1992, an acute care hospital designated by the single state agency as a primary referral resource for the provision of indigent care shall be paid a negotiated rate so long as the negotiated rate is not less than the rate the hospital otherwise would be paid using usual program policy nor more than the hospital's usual and customary charges. The negotiated rate shall be in lieu of the usual basic rate, and the only additional payments that shall be made shall be adjustments for services to children under age six (6) (if the hospital is a disproportionate share hospital) or age one (1) (if the hospital is not a disproportionate share hospital), and any amounts payable under HICAP or the disproportionate share minimum adjustment amount if greater. If a designated hospital and the Department for Medicaid Services fail to agree on a negotiated rate the hospital shall be paid in accordance with usual policies and procedures.

(2) Use of a uniform rate year. A uniform rate year shall be set for all facilities, with the rate year established as January 1 through December 31 of each year. The first uniform rate year for mental hospitals shall be July 1, 1985 through June 30, 1986; however, effective January 1, 1986 the mental hospital rate year shall be reestablished and shall be January 1 through December 31 of each year thereafter. Changes of rates throughout the rate year as a result of policy changes shall not change the rate year, although the facility rates may change. Hospitals are not required to change their fiscal years.

(3) Trending of cost reports. Allowable Medicaid cost as shown

in cost reports on file in the cabinet, both audited and unaudited, shall be trended to the beginning of the rate year so as to update Medicaid costs. When trending, capital costs and return on equity capital are excluded. The trending factor to be used shall be the Data Resources, Inc. rate of inflation for the period being trended.

(4) Indexing for inflation. After allowable costs have been trended to the beginning of the rate year, an indexing factor shall be applied so as to project inflationary cost in the uniform rate year. The forecasting index currently in use is prepared by Data Resources, Inc. This policy shall be effective August 3, 1985.

(5) Peer grouping. Acute care hospitals (but not including those considered to be primarily rehabilitative in nature) shall be peer grouped according to bed size. The peer groupings for the payment system shall be: 0-50 beds, 51-100 beds, 101-200 beds, 201-400 beds, and 401 beds and up (except that the designated state teaching hospitals affiliated with or a part of the University of Kentucky and the University of Louisville shall not be included in the array for facilities with 401 beds and up unless such facility's primary characteristics are considered essentially the same as the peer group's, and the facility, although not a university teaching hospital as such, is treated in such a manner as to recognize the presence of the major pediatric teaching component existing outside the state university hospitals). No facility in the 201-400 peer group shall have its operational per diem reduced below that amount in effect in the 1982 rate year as a result of the establishment of a peer grouping of 401 beds and up. Mental hospitals shall not be peer grouped but shall have a separate array of mental hospitals only. Rehabilitation hospitals and acute care hospitals considered to be primarily rehabilitative in nature shall not be peer grouped or arrayed.

(6) Use of a minimum occupancy factor. A minimum occupancy factor shall be applied to capital costs attributable to the Medicaid program. A sixty (60) percent occupancy factor shall apply to hospitals with 100 or fewer beds. A seventy-five (75) percent occupancy factor shall apply to facilities with 101 or more beds. Capital costs are interest and depreciation related to plant and equipment.

(7) Use of a reduced depreciation allowance. The allowable amount for depreciation on building and fixtures (not including major movable equipment) shall be sixty-five (65) percent of the reported depreciation amount as shown in the hospital's cost reports. The use of a reduced depreciation allowance is not applicable with regard to mental hospitals.

(8) Use of upper limits with regard to services provided on or after July 1, 1991.

(a) The following upper limits and payment principles shall apply to all hospitals (unless the hospital is paid using a negotiated rate) with other limitations for disproportionate share hospitals shown in paragraph (b) of this subsection.

1. For acute care hospitals, an upper limit shall be established on all costs (except Medicaid capital cost) at the weighted median per diem cost for hospitals in each peer group, using the most recent Medicaid cost report available as of December 1 of each year. For mental hospitals, an upper limit shall be established on all costs (except Medicaid capital cost) at the weighted median per diem cost for hospitals in the array. A mental hospital designated by the cabinet as a primary referral and services resource for children in the custody of the cabinet shall be exempt from the upper limit for the array and shall be paid at actual projected cost with no year end settlement to actual cost; the projected cost may be adjusted for usual cost of living increases using the Data Resources, Incorporated Index. Upon being set, the arrays and upper limits shall not be altered due to revisions or corrections of data; however the arrays or upper limits may be changed as a result of changes of agency policy. Hospitals participating in the Hospital Indigent Care Assurance Program (HICAP) shall also receive, in addition to regular program payments, amounts which are payable under HICAP. Effective with regard to payments for the quarter ending June 30, 1992 and thereafter, the HICAP payments shall be the product of the ratio of each hospital's Medicaid patient days compared to total Medicaid patient days as applied to total available HICAP funds (which are the amounts remaining from the hospital assessments paid, for distribution to hospitals after exclusion

of appropriate amounts for [minus] administrative expense, [held harmless amounts, and] the contingency reserve amount, and amounts reserved for other program needs in accordance with budget commitments, obligations, and appropriations, and taking into consideration available federal Medicaid matching funds and upper limits on HICAP payments). The formula for determination of HICAP payment amounts is shown in the Reimbursement Manual at Section 102D.(b)(2), (3), (4), and (5). ~~[For the quarters ending March 31, 1991 and June 30, 1991, no hospital participating in HICAP shall receive less than its assessment plus \$100,000 annually (\$25,000 quarterly). Effective with regard to services provided on and after July 1, 1991,]~~ No hospital participating in HICAP shall receive on an annual basis less than five and one-quarter (5.25) percent of its operating costs, or five (5) percent of its annual operating costs plus \$100,000, whichever amount is greater. ~~[Held harmless amounts are computed separately for the first twenty (20) percent of the fund, for the 21st through 60th percent of the fund, and 61st through 100th percent of the fund.]~~ For hospitals which are disproportionate share hospitals the limitations shown in paragraph (b) of this subsection and subsection (9) of this section shall be applicable for HICAP payments. If a hospital which is a nondisproportionate share hospital is determined by the cabinet to be a nonparticipant in HICAP, the amounts otherwise payable under HICAP to the hospital shall not be made.

2. For medically necessary hospital inpatient services provided to infants under the age of one (1) with exceptionally high costs or long lengths of stay (defined as being those costs and days of stay which for newborns are after thirty (30) days beyond the date of discharge for the mother of the child and for all other infants are after thirty (30) days from the date of admission), the payment rate shall be set at 110 percent of the per diem payment rate, without regard to length of stay or number of admissions of the infants.

(b) The following upper limits and payment principles shall apply to disproportionate share hospitals as defined in subsection (9) of this section (unless the hospital is paid using a negotiated rate).

1. Acute care hospitals with Medicaid utilization of twenty (20) percent or higher, and hospitals having twenty-five (25) percent or more nursing days resulting from Medicaid covered deliveries as compared to the total number of paid Medicaid days, shall have an upper limit set at 120 percent of the weighted median per diem cost for hospitals in the array. In addition to the per diem amount computed in this manner, the hospitals shall be paid (as appropriate) additional amounts for services to children under age six (6) (as shown in subsection (9)(b)2 of this section). The hospitals shall also be entitled to amounts payable under HICAP (as shown in subsection (9)(b)3 of this section) or the disproportionate share minimum adjustment amount shown in subsection (9)(b)1 of this section if greater.

2. Designated state teaching hospitals and major affiliated pediatric teaching hospitals (i.e., those affiliated with or a part of the University of Kentucky and the University of Louisville) shall have an upper limit set at 126 percent of the weighted median per diem cost for all other hospitals of comparable size (401 beds and up). The pediatric teaching hospitals shall also be paid, in addition to the facilities' base rate, an amount which is equal to two (2) percent of the base for each one (1) percent of Medicaid occupancy but this amount shall not exceed the prospective reasonably determined uncompensated Medicaid cost to the facility. In addition to the per diem amount computed using the limits specified in this subparagraph, the hospitals shall be paid (as appropriate) additional amounts for services to children under age six (6) (as shown in subsection (9)(b)2 of this section). The hospitals shall also be entitled to amounts payable under HICAP (as shown in subsection (9)(b)3 of this section) or the disproportionate share minimum adjustment amount shown in subsection (9)(b)1 of this section if greater.

3. Mental hospitals with Medicaid utilization of thirty-five (35) percent or higher shall have an upper limit set at 115 percent of the weighted median per diem cost for hospitals in the array. The per diem amount shall be computed using this upper limit or by using the disproportionate share minimum payment amount shown in subsection (9)(b)1 of this section if doing so results in a higher per diem amount.

4. All other disproportionate share acute care hospitals shall have

their upper limit set at the weighed median per diem of the cost for hospitals in the array. In addition to the per diem amount computed in this manner, the hospitals shall be paid (as appropriate) additional amounts for services to children under age six (6) (as shown in subsection (9)(b)2 of this section). The hospitals shall also be entitled to amounts payable under HICAP (as shown in subsection (9)(b)3 of this section) or the disproportionate share minimum adjustment amount shown in subsection (9)(b)1 of this section if greater.

(9) Disproportionate share hospitals.

(a) Disproportionate share hospitals are those hospitals meeting the criteria specified in 42 USC 1396r-4(b) and (d) and those hospitals which may not meet such criteria but meet the criteria specified in 42 USC 1396r-4(d) and meet this additional criteria:

1. Acute care hospitals with Medicaid utilization of twenty (20) percent or higher and mental hospitals with Medicaid utilization of thirty-five (35) percent or higher;

2. Hospitals which are designated state teaching hospitals;

3. Hospitals which are designated major pediatric teaching hospitals;

4. Hospitals having twenty-five (25) percent or more nursery days resulting from Medicaid covered deliveries as compared to the total number of paid Medicaid days; and

5. Effective with regard to services provided on or after July 1, 1990, hospitals not meeting the additional criteria specified in subparagraphs 1 through 4 of this paragraph but with Medicaid utilization of one-half (1/2) of one (1) percent or higher.

(b) The upper limit for payments for hospitals in Kentucky (unless the hospital is paid on the basis of a negotiated rate) shall be set at the lower of allowable Medicaid cost or the median of the facility array of allowable cost with payment adjustments allowed for hospitals deemed disproportionate share hospitals in accordance with subsections (8) and (9) of this section. For compliance with 42 USC 1396r-4(c), the minimum payment adjustment and actual payment adjustment shall be computed in the following manner:

1. All hospitals determined to be disproportionate share hospitals shall be entitled to a minimum payment adjustment equal to one (1) dollar as an addition to the hospital payment rate computed using usual upper limits; and for hospitals with Medicaid utilization in excess of one (1) standard deviation above the mean Medicaid inpatient utilization rate for hospitals receiving Medicaid payments in the state, a further payment adjustment which is equal to ten (10) cents for each one (1) percent of Medicaid utilization in the hospital which is in excess of utilization at the one (1) standard deviation level.

2. Effective with regard to medically necessary hospital inpatient services provided by all Kentucky disproportionate share hospitals on or after July 1, 1991 to children under the age of six (6) with exceptionally high costs or long lengths of stay (defined as being those costs and days of stay which for newborns are after thirty (30) days beyond the date of discharge for the mother of the child and for all other children are after thirty (30) days from the date of admission), the payment rate shall be set at 110 percent of the per diem payment rate, without regard to length of stay or number of admissions of the children.

3. Effective with regard to services provided on or after July 1, 1990 any hospital which is participating in the Hospital Indigent Care Assurance Program (HICAP) shall receive disproportionate share payments under HICAP. HICAP assessments and payments are described in 907 KAR 1:017, Hospital indigent care assurance program. If a hospital is determined by the cabinet to be a nonparticipant in the HICAP program, the hospital shall be entitled to the minimum adjustment shown in subparagraph 1 of this paragraph.

(10) Operating costs shall not include professional (physician) costs for purposes of establishing the median based upper limits. Professional costs shall be trended separately.

(11) Hospitals whose general characteristics are not those of an acute care or mental hospital (i.e., because they are rehabilitation hospitals or acute care hospitals considered to be primarily rehabilitative in nature) are not subject to the operating cost upper limits.

(12) Rate appeals. As specified in the Inpatient Hospital Reimbursement Manual, hospitals may request an adjustment to the prospective rate with the submittal of supporting documentation. The

established appeal procedure allows a representative of the hospital group to participate as a member of the rate review panel.

Section 4. Payments to Participating Out-of-state Hospitals. (1) Effective with regard to services provided on or after July 1, 1990 participating out-of-state hospitals shall be reimbursed for covered inpatient services rendered eligible Kentucky Medicaid recipients at the rate of seventy-five (75) percent of usual and customary charges, up to the in-state per diem upper limit for a comparable size hospital, except as specified in subsection (2) of this section.

(2) Effective with regard to medically necessary hospital inpatient services provided on or after July 1, 1991 to infants under the age of one (1), and for children under the age of six (6) in disproportionate share hospitals (determined in the same manner as for in-state hospitals except that out-of-state hospitals are not included in facility arrays), for days of stay which for newborns are after thirty (30) days beyond the date of discharge for the mother of the child and for all other children are after thirty (30) days from the date of admission, participating out-of-state hospitals shall be paid at the rate of eighty-five (85) percent of usual and customary actual billed charges up to 110 percent of the per diem upper limit for the in-state peer group for comparably sized hospitals in recognition of exceptionally high costs and lengths of stay related to infants under the age of one (1) and children under age six (6), without regard to length of stay or number of admissions of the infants and children.

(3) Effective with regard to services provided on or after February 1, 1991, professional costs (i.e., physician fees) for all covered days of stay shall be paid at seventy-five (75) percent of the usual and customary charges of the provider.

[Section 5. Implementation Date. Except as provided in Section 3(8) of this regulation, the amendments to this regulation shall be applicable with regard to services provided on or after July 1, 1991.]

ROY BUTLER, Commissioner

LEONARD E. HELLER, Secretary

APPROVED BY AGENCY: June 30, 1992

FILED WITH LRC: July 2, 1992 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 21, 1992 at 9 a.m. in the Vital Statistics Conference Room, First Floor, CHR Building, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 16, 1992, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Masten Childers II, General Counsel, Office of General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roy Butler

(1) Type and number of entities affected: All disproportionate share hospitals participating in the HICAP program.

(a) Direct and indirect costs or savings to those affected: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: \$52.2 million (savings)*

2. Continuing costs or savings: \$52.2 million (savings)

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: No viable alternatives were identified.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: It is assumed the Medicaid agency will be provided, through an agreement as provided for in the budget bill (HB 468), \$25.2 million in state and local funds for use in the Medicaid Program.

TIERING: Was tiering applied? No. Federal Medicaid regulations require that similarly situated providers be treated in a similar manner.

CABINET FOR HUMAN RESOURCES Department for Medicaid Services (Proposed Amendment)

907 KAR 1:370. Incorporation by reference of the Community Mental Health Services Manual.

RELATES TO: KRS 205.520 [Title XIX of the Social Security Act]

STATUTORY AUTHORITY: KRS 194.050, 42 CFR 440.130, 42

USC 1396a-d

NECESSITY AND FUNCTION: The Cabinet for Human Resources has the responsibility to administer the Medicaid [Medical Assistance] Program [in accordance with Title XIX of the Social Security Act and KRS 205.520]. KRS 205.520 empowers the cabinet to comply with any requirement that is imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This administrative regulation incorporates into regulatory form, by reference, materials used by the cabinet in the implementation of the community mental health services component of the Medicaid [Medical Assistance] Program. In the event of a conflict between manual materials incorporated by reference in this administrative regulation and the primary subject administrative regulations of the cabinet relating to this component, the latter shall prevail.

Section 1. Incorporation by Reference. The cabinet incorporates by reference the Community Mental Health Services Manual, revised June 1, 1992 [September 1, 1988], used in the implementation of this component of the Kentucky Medicaid [Medical Assistance] Program. This manual contains the policies and procedures issued by the cabinet for the implementation of this program element including benefit descriptions and operating instructions used by agency staff and participating providers.

Section 2. This manual incorporated by reference may be reviewed Monday through Friday between the hours of 8 a.m. and 4:30 p.m., Eastern time, in the Office of the Commissioner, Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky. Copies may be obtained from that office upon payment of an appropriate fee which shall [will] not exceed approximate cost.

ROY BUTLER, Commissioner

LEONARD E. HELLER, Secretary

APPROVED BY AGENCY: June 28, 1992

FILED WITH LRC: July 2, 1992 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 21, 1992 at 9 a.m. in the Vital Statistics Conference Room, First Floor, CHR Building, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 16, 1992, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may

be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Masten Childers II, General Counsel, Office of General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roy Butler

(1) Type and number of entities affected: All participating providers of community mental health services are potentially affected.

(a) Direct and indirect costs or savings to those affected: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues:

None

(4) Assessment of alternative methods; reasons why alternatives were rejected: No viable alternatives were identified.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: There is no direct or indirect cost or savings to affected entities because this administrative regulation adopts manual materials incorporated by reference that outline procedures and operating instructions for agency staff and participating providers. Any direct or indirect cost or savings would be addressed in the primary component administrative regulation.

TIERING: Was tiering applied? No. Federal Medicaid regulations require that similarly situated providers be treated in a similar manner.

CABINET FOR HUMAN RESOURCES Department for Medicaid Services (Proposed Amendment)

907 KAR 1:418. Incorporation by reference of the Rural Health Clinic Services Manual.

RELATES TO: KRS 205.520[~~Title XIX of the Social Security Act~~]
STATUTORY AUTHORITY: KRS 194.050, 42 CFR 447.371,
440.20, 42 USC 1396 a-d

NECESSITY AND FUNCTION: The Cabinet for Human Resources has the responsibility to administer the Medicaid [Medical Assistance] Program [in accordance with Title XIX of the Social Security Act and KRS 205.520]. KRS 205.520 empowers the cabinet to comply with any requirement that is imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This administrative regulation incorporates into regulatory form, by reference, materials used by the cabinet in the implementation of the rural health clinic services component of the Medicaid [Medical Assistance] Program. In the event of a conflict between manual materials incorporated by reference in this administrative regulation and the primary subject administrative regulations of the cabinet relating to this component, the latter shall prevail.

Section 1. Incorporation by Reference. The cabinet incorporates by reference the Rural Health Clinic Services Manual, revised June 1, 1992 [~~September 1, 1988~~], used in the implementation of this component of the Kentucky Medicaid [Medical Assistance] Program. This manual contains the policies and procedures issued by the cabinet for the implementation of this program element including benefit descriptions and operating instructions used by agency staff and participating providers.

Section 2. This manual incorporated by reference may be reviewed Monday through Friday between the hours of 8 a.m. and 4:30 p.m., Eastern time, in the Office of the Commissioner, Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky. Copies may be obtained from that office upon payment of an appropriate fee which shall [will] not exceed approximate cost.

ROY BUTLER, Commissioner

LEONARD E. HELLER, Secretary

APPROVED BY AGENCY: June 25, 1992

FILED WITH LRC: June 26, 1992 at 2 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 21, 1992 at 9 a.m. in the Vital Statistics Conference Room, First Floor, CHR Building, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 16, 1992, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Masten Childers II, General Counsel, Office of General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roy Butler

(1) Type and number of entities affected: All participating providers of rural health clinic services are potentially affected.

(a) Direct and indirect costs or savings to those affected: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues:

None

(4) Assessment of alternative methods; reasons why alternatives were rejected: No viable alternatives were identified.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: There is no direct or indirect cost or savings to affected entities because this administrative regulation adopts manual materials incorporated by reference that outline procedures and operating instructions for agency staff and participating providers. Any direct or indirect cost or savings would be addressed in the primary component administrative regulation.

TIERING: Was tiering applied? No. Federal Medicaid regulations

require that similarly situated providers be treated in a similar manner.

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services
(Proposed Amendment)

907 KAR 1:422. Incorporation by reference of the Early and Periodic Screening, Diagnosis and Treatment Services (EPSDT) Manual.

RELATES TO: KRS 205.520, ~~Title XIX of the Social Security Act~~
 STATUTORY AUTHORITY: KRS 194.050, 42 CFR 440.40(b), 447

Subpart B, 42 USC 1396 a-d

NECESSITY AND FUNCTION: The Cabinet for Human Resources has the responsibility to administer the Medicaid [Medical Assistance] Program [in accordance with Title XIX of the Social Security Act and KRS 205.520]. KRS 205.520 empowers the cabinet, by administrative regulation, to comply with any requirement that is imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This administrative regulation incorporates into regulatory form, by reference, materials used by the cabinet in the implementation of the early and periodic screening, diagnosis and treatment services component of the Medicaid [Medical Assistance] Program. In the event of a conflict between manual materials incorporated by reference in this administrative regulation and the primary subject administrative regulations of the cabinet relating to this component, the latter shall prevail.

Section 1. Incorporation by Reference. The cabinet incorporates by reference the Early and Periodic Screening, Diagnosis and Treatment Services (EPSDT) Manual, revised April 1, 1992 [September 1, 1988], used in the implementation of this component of the Kentucky Medicaid [Medical Assistance] Program. This manual contains the policies and procedures issued by the cabinet for the implementation of this program element including benefit descriptions and operating instructions used by agency staff and participating providers.

Section 2. This manual incorporated by reference may be reviewed Monday through Friday between the hours of 8 a.m. and 4:30 p.m., Eastern time, in the Office of the Commissioner, Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky. Copies may be obtained from that office upon payment of an appropriate fee which shall [will] not exceed approximate cost.

ROY BUTLER, Commissioner

LEONARD E. HELLER, Secretary

APPROVED BY AGENCY: June 19, 1992

FILED WITH LRC: June 22, 1992 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 21, 1992 at 9 a.m. in the Vital Statistics Conference Room, First Floor, CHR Building, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 16, 1992, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Masten Childers II, General Counsel, Office of General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roy Butler

(1) Type and number of entities affected: All participating providers of early and periodic screening, diagnosis and treatment services are potentially affected.

(a) Direct and indirect costs or savings to those affected: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: No viable alternatives were identified.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: There is no direct or indirect cost or savings to affected entities because this administrative regulation adopts manual materials incorporated by reference that outline procedures and operating instructions for agency staff and participating providers. Any direct or indirect cost or savings would be addressed in the primary component administrative regulation.

TIERING: Was tiering applied? No. Federal Medicaid regulations require that similarly situated providers be treated in a similar manner.

PROPOSED REGULATIONS RECEIVED THROUGH NOON, JULY 15, 1992

KENTUCKY HIGHER EDUCATION
ASSISTANCE AUTHORITY

11 KAR 4:060. Distribution of publications.

RELATES TO: KRS 45.253(5), 164.748(11)
STATUTORY AUTHORITY: KRS 13A.100(2), 164.748(4)

NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority develops, publishes, and distributes certain publications containing financial aid and postsecondary education information. This regulation sets forth the conditions and procedures under which the authority will distribute, determine costs and charge fees for, and limit reproduction of these publications.

Section 1. Definitions. The definition of "authority" is governed by KRS 164.740(1).

Section 2. Free Distribution. (1) The authority may distribute to the following Kentucky organizations multiple copies of its publications, free of charge, allotted among the organizations, at the authority's sole discretion, on the basis of funds budgeted for printing the publications:

- (a) High schools;
- (b) Public and private nonprofit libraries;
- (c) Kentucky postsecondary educational institutions participating in authority administered student financial assistance programs;
- (d) Public and private nonprofit organizations involved in assisting individuals with postsecondary educational planning.

(2) The authority may provide one (1) free copy to individuals and organizations not specified in subsection (1) of this section, subject to availability.

Section 3. Costs and Fees Charged. (1) The authority may charge a fee for providing multiple copies of certain publications: "Getting In," "Affording Higher Education," and Success Through Educational Planning (STEP) materials as provided in subsections (2) and (3) of this section.

(2) If the authority determines a need to print additional copies of any publication specified in subsection (1) of this section based upon requests that exceed the number allotted for one (1) or more organizations specified in Section 2(1) of this regulation, then all costs associated with the additional copies printed to accommodate the organization's request will be charged to that organization.

(3) The authority may charge a fee for each additional copy of publications requested by individuals and organizations specified in Section 2(2) of this regulation.

Section 4. Establishment of Fees. Fees for publications shall be established by the authority annually, based on the unit cost (rounded up to the nearest whole dollar) of the publications to the budget unit calculated on the following formula: the personnel and operating costs allocated to publication development plus the direct printing cost for all copies divided by the total number of copies printed plus the cost of shipping (actual postage and envelope cost) and handling (fifteen (15) minute preparation time by lowest paid employee in the area).

Section 5. Reproduction. Copyrighted publications of the authority may be reproduced with the written permission of the authority.

WAYNE STRATTON, Chairman

APPROVED BY AGENCY: June 30, 1992

FILED WITH LRC: July 15, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Thursday, August 27, 1992 at 9 a.m. at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 22, 1992, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by

that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Mr. Paul P. Borden, Executive Director, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact: Paul P. Borden

(1) Type and number of entities affected: Parties with an interest in agency publications include secondary schools, libraries, higher education institutions, students, and others with an interest in financial assistance programs for postsecondary students. There are 57,906 entities, both individuals and institutions, on the current publications distribution network mailing lists.

(a) Direct and indirect cost or savings to those affected:

1. First year: The authority will provide various publications to schools, higher education institutions, libraries, and other agencies and organizations involved in assisting students with educational planning, at no cost, for one or more copies, depending on the authority's determination of their needs. Additional copies of some publications can be provided, if available, at the actual budgeted unit cost of producing and handling them which is approximately \$10 for "Getting In," \$5 for "Affording Higher Education," \$3 for "STEP for Freshmen," \$3 for "STEP for Sophomores," \$6 for "STEP for Juniors," and \$4 for "STEP for Seniors." Savings could be affected by the duplicating of copyrighted materials which, with written authorization, is permitted.

2. Continuing cost or savings: Unit costs of the materials could be increased as a result of higher charges for printing, postage and overhead.

3. Additional factors increasing or decreasing cost (note any effect upon competition). See #1 and #2 above.

(b) Reporting and paperwork requirements: Virtually none. Entities would only have to submit their requests/orders.

(2) Effects on the promulgating administrative body: The promulgating administrative body must determine the projected need for the various publications, produce and distribute them, and determine the unit cost of those which are offered for sale.

(a) Direct and indirect costs or savings: The cost of the authority's publications for distribution is based on actual cost to the budget unit including production and printing charges, handling, and postage.

1. First year: The estimated cost of these publications is \$128,600.82.

2. Continuing costs or savings: Costs could increase or decrease in succeeding years by a change in the estimated volume of publications needed.

3. Additional factors increasing or decreasing costs: Changes in the costs of labor, production, and postage could increase or decrease the cost of publications in succeeding years.

(b) Reporting and paperwork requirements: A negligible amount of paperwork is required; mailing lists and inventory controls must be maintained. The authority must also collect and report any Kentucky sales tax generated as a result of sales of publications to nonexempt entities.

(3) Assessments of anticipated effect on state and local revenues: There is no appreciable effect on local or state revenues. There could be a minimal increase in state revenues in that the authority could recover the costs of some publications sold to parties not qualifying for free distribution. An insignificant amount of Kentucky sales tax would be collected on the sale of publications to nonexempt entities not qualifying for free distribution.

(4) Assessment of alternative methods: Reasons why alternatives were rejected: There are no viable alternatives; dissemination of information to our various constituencies is an absolute necessity. For those participating in authority programs, the information must be easily accessible; for others, we feel charging the actual cost is justified due to budgetary considerations.

(5) Identify any statute, administrative regulation, or government policy which may be in conflict, overlapping or duplication: This regulation does not conflict, overlap, or duplicate any statute, administrative regulation, or government policy.

(a) Necessity of proposed regulation if in conflict: There is no conflict.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions. There is no conflict.

(6) Any additional information or comments: The authority attempts to disseminate information on postsecondary education opportunities and financial aid to as many students as possible within budgetary limitations. The authority does this through an established distribution network. The authority also believes that one copy of its publications, as publicly funded documents, should be available to anyone who requests a copy. The necessity for this regulation is to make it financially possible for the authority to provide multiple copies of some of our publications at cost to those parties who might have such a need but who are not in our normal network of free distribution.

Tiering: Was tiering applied? Yes. Tiering was applied in that some parties, those associated with authority programs, receive, within production and budgetary confines, free multiple copies of some publications while parties not directly associated with authority programs are charged actual cost for copies in excess of one.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 12:081. Repeal of 11 KAR 12:080.

RELATES TO: 1992 Acts c 190 §1

STATUTORY AUTHORITY: KRS 164A.325(9)

NECESSITY AND FUNCTION: This regulation repeals 11 KAR 12:080 because section 1 of House Bill 610, enacted by the 1992 General Assembly, provides for the establishment of a separate endowment trust organization.

Section 1. 11 KAR 12:080, Benefits payable from the Kentucky educational savings plan trust endowment fund, is hereby repealed.

WAYNE STRATTON, Chairman

APPROVED BY AGENCY: June 30, 1992

FILED WITH LRC: July 15, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Thursday, August 27, 1992 at 9 a.m. at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 22, 1992, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Mr. Paul P. Borden, Executive Director, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact: Paul P. Borden

(1) Type and number of entities affected: No entities are impacted by this regulation.

(a) Direct and indirect costs or savings to those affected:

1. First year: There are no costs or savings to any parties. This regulation merely repeals 11 KAR 12:080, which repeal is necessitated by the passage of section 1 of House Bill 610, enacted by the 1992 General Assembly, which authorizes the establishment of a separate endowment trust organization.

2. Continuing costs or savings: There are no costs or savings to any parties. This regulation merely repeals 11 KAR 12:080, which repeal is necessitated by the passage of section 1 of House Bill 610, enacted by the 1992 General Assembly, which authorizes the establishment of a separate endowment trust organization.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no costs or savings to any parties. This regulation merely repeals 11 KAR 12:080, which repeal is necessitated by the passage of section 1 of House Bill 610, enacted by the 1992 General Assembly, which authorizes the establishment of a separate endowment trust organization.

(b) Reporting and paperwork requirements: Adoption of this regulation, imposes no new paperwork or reporting requirements.

(2) Effects on the promulgating administrative body: There will be no significant affect on the authority.

(a) Direct and indirect costs or savings: There are no costs or savings. A new, separately incorporated endowment trust organization will continue to be staffed by KHEAA personnel and will utilize KHEAA facilities.

1. First year: See (a) above.

2. Continuing costs or savings: See (a) above.

3. Additional factors increasing or decreasing costs: See (a) above.

(b) Reporting and paperwork requirements: The repeal of 11 KAR 12:080 does not necessitate any reporting or paperwork.

(3) Assessment of anticipated effect on state and local revenues: There is no effect on state or local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: There are no alternatives. Repeal of 11 KAR 12:080 was necessitated by the enactment of section 1 of House Bill 610.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no conflict, overlapping or duplication of any statute, administrative regulation or government policy.

(a) Necessity of proposed regulation if in conflict: There is no conflict.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There is no conflict.

(6) Any additional information or comments: The existing regulation, 11 KAR 12:080, needs to be repealed because of action taken by the 1992 General Assembly which authorizes the establishment of a separate endowment trust organization.

Tiering: Was tiering applied? No. The concept of tiering is not applicable to this regulation which repeals a regulation which is no longer needed.

DEPARTMENT OF LAW Division of Consumer Protection

40 KAR 2:001. Definitions.

RELATES TO: KRS 367.461, 367.463, 367.465, 367.467, 367.469

STATUTORY AUTHORITY: KRS 15.180, 367.150, 367.469

NECESSITY AND FUNCTION: To define terms related to the application for use and permitting use of automated calling equipment in the Commonwealth of Kentucky.

Section 1. In addition to the definitions in KRS 367.461, 367.465 and unless the context otherwise requires:

(1) "Utilizing" means making direct or indirect use of automated calling equipment in any trade or commerce.

(2) "Alternate form of security" means a financial or commercial transaction which provides substantially the same level of certainty of financial responsibility as a surety bond drawn by a surety company authorized to do business in the Commonwealth of Kentucky in the event of insolvency, bankruptcy, or unavailability of the applicant and related parties to meet claims for restitution losses or civil penalties for violations of KRS Chapter 367.

(3) "Applicant" means any natural person, corporation, company, partnership, or other legal entity seeking a permit to use automated calling equipment in the Commonwealth of Kentucky.

(4) "Permittee" means any holder of a duly issued permit to use automated calling equipment in the Commonwealth of Kentucky.

(5) "Address" means the permanent location at which legal documents are received by an applicant or permittee.

(6) "Name" means a combination of words used by a person, corporation, company, partnership, or other legal entity within the past sixty (60) months as a means of identification.

(7) "Designated agent" means an agent for service of process of legal documents.

(8) "Financial responsibility" means a surety bond by a surety company authorized to do business in the Commonwealth of Kentucky or the functional equivalent thereof in the event of insolvency, bankruptcy, or unavailability of the applicants or permittees to address consumer complaints, claims for restitution, or civil penalties for alleged violation of KRS Chapter 367.

CHRIS GORMAN, Attorney General

APPROVED BY AGENCY: July 15, 1992

FILED WITH LRC: July 15, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 21, 1992, at 10 a.m. at Consumer Protection Division, 209 St. Clair Street, Frankfort, Ky. 40601-1875. Individuals interested in being heard at this hearing shall notify this agency in writing by August 16, 1992, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. 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. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person: David Vandeventer, Consumer Protection Division, 209 St. Clair Street, Frankfort, KY 40601-1875.

REGULATORY IMPACT ANALYSIS

Agency Contact: David Vandeventer

(1) Type and number of entities affected: Entities affected will be telemarketing enterprises using automated calling equipment, a small number estimated not to exceed twenty (20) at present.

(a) Direct and indirect costs or savings to those affected:

1. First year: No fees are required, however a bond estimated to cost \$200 per year is required by statute. In addition a small indirect cost of time in filing an application will be incurred, estimated to take less than three hours. No measurable savings are anticipated.

2. Continuing costs or savings: Subsequent years will require the same small costs as required in the first year.

3. Additional factors increasing or decreasing costs (note any effects upon competition): An indirect reduction in operating costs of entities affected may result from reduced telephone costs resulting from statutorily mandated automatic disconnects which may be partly offset by equipment costs. The result should be no net change in costs and no measurable effect on competition.

(b) Reporting and paperwork requirements: One application per year is required, with updates to reflect material changes in data submitted. This one application is not expected to require additional

personnel or equipment costs on affected entities.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Increased costs to the agency are anticipated. The function of the Consumer Protection Division of the Attorney General's Office is, among other things, to police the marketplace for unfair, false, misleading or deceptive acts or practices. This requires some preventive and some remedial efforts. These regulations will require added preventive measures, however enhanced remedial efforts will ultimately be realized. On balance the added cost will occur largely in the first year in putting the registrations on line and will be absorbed with existing staff and equipment.

2. Continuing costs or savings: Continuing costs should be offset by savings in investigating telemarketing fraud and no net change is anticipated.

3. Additional factors increasing or decreasing costs: It is possible that some undesirable telemarketing entities will avoid this jurisdiction rather than submit to the minimal requirements of these regulations, with resulting cost savings. However no projection of those events can reliably be made.

(b) Reporting and paperwork requirements: Reporting and paperwork requirements will be increased. At present the relatively small number of this type of telemarketing entities operating in Kentucky should make the increases small enough to be absorbed by existing budget.

(3) Assessment of anticipated effect on state and local revenues: No net effect on revenue is anticipated. Present enforcement costs should offset future administrative costs by approximately equal amounts.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Alternative methods of controlling telemarketing abuses have been tried for years. None have been successful. The proposed regulations and statute underlying them are minimal, particularly as compared with sister states.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or in duplication: The prohibition against unfair, false, misleading or deceptive acts or practices set out elsewhere in KRS Chapter 367 overlaps this specific effort focused on telemarketing, however no conflict exists.

(a) Necessity of proposed regulation if in conflict: No conflict exists.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: No conflict exists.

(6) Any additional information or comments: None.

TIERING: Is tiering applied? N/A

DEPARTMENT OF LAW Division of Consumer Protection

40 KAR 2:030. Application for permit to use automated calling equipment in the Commonwealth of Kentucky.

RELATES TO: KRS 367.461, 367.463, 367.465, 367.467, 367.469

STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 367.469

NECESSITY AND FUNCTION: Sets forth guidelines for establishing the minimum qualifications for the issuance of a permit provided for in KRS 367.469.

Section 1. A permit is required prior to use of automated dialing equipment in the Commonwealth of Kentucky, the requirements of which are set out in KRS 367.469.

Section 2. Application form for a permit to use automated dialing equipment, is hereby incorporated by reference. Application forms may be obtained Monday through Friday, 8 a.m. to 4:30 p.m. at the office of the Attorney General, Consumer Protection Division, 209 St. Clair Street, Frankfort, Kentucky 40601-1875.

CHRIS GORMAN, Attorney General

APPROVED BY AGENCY: July 15, 1992

FILED WITH LRC: July 15, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 21, 1992, at 10 a.m. at Consumer Protection Division, 209 St. Clair Street, Frankfort, Ky. 40601-1875. Individuals interested in being heard at this hearing shall notify this agency in writing by August 16, 1992, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. 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. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person: David Vandeventer, Consumer Protection Division, 209 St. Clair Street, Frankfort, KY 40601-1875.

REGULATORY IMPACT ANALYSIS

Agency Contact: David Vandeventer

(1) Type and number of entities affected: Entities affected will be telemarketing enterprises using automated calling equipment, a small number estimated not to exceed twenty (20) at present.

(a) Direct and indirect costs or savings to those affected:

1. First year: No fees are required, however a bond estimated to cost \$200 per year is required by statute. In addition a small indirect cost of time in filing an application will be incurred, estimated to take less than three hours. No measurable savings are anticipated.

2. Continuing costs or savings: Subsequent years will require the same small costs as required in the first year.

3. Additional factors increasing or decreasing costs (note any effects upon competition): An indirect reduction in operating costs of entities affected may result from reduced telephone costs resulting from statutorily mandated automatic disconnects which may be partly offset by equipment costs. The result should be no net change in costs and no measurable effect on competition.

(b) Reporting and paperwork requirements: One application per year is required, with updates to reflect material changes in data submitted. This one application is not expected to require additional personnel or equipment costs on affected entities.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Increased costs to the agency are anticipated. The function of the Consumer Protection Division of the Attorney General's Office is, among other things, to police the marketplace for unfair, false, misleading or deceptive acts or practices. This requires some preventive and some remedial efforts. These regulations will require added preventive measures, however enhanced remedial efforts will ultimately be realized. On balance the added cost will occur largely in the first year in putting the registrations on line and will be absorbed with existing staff and equipment.

2. Continuing costs or savings: Continuing costs should be offset by savings in investigating telemarketing fraud and no net change is anticipated.

3. Additional factors increasing or decreasing costs: It is possible that some undesirable telemarketing entities will avoid this jurisdiction rather than submit to the minimal requirements of these regulations, with resulting cost savings. However, no projection of those events can reliably be made.

(b) Reporting and paperwork requirements: Reporting and paperwork requirements will be increased. At present the relatively small number of this type of telemarketing entities operating in Kentucky should make the increases small enough to be absorbed by existing budget.

(3) Assessment of anticipated effect on state and local revenues: No net effect on revenue is anticipated. Present enforcement costs should offset future administrative costs by approximately equal amounts.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Alternative methods of controlling telemarketing abuses have been tried for years. None have been successful. The proposed regulations and statute underlying them are minimal, particularly as compared with sister states.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or in duplication: The prohibition against unfair, false, misleading or deceptive acts or practices set out elsewhere in KRS Chapter 367 overlaps this specific effort focused on telemarketing, however no conflict exists.

(a) Necessity of proposed regulation if in conflict: No conflict exists.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: No conflict exists.

(6) Any additional information or comments: None.

TIERING: Is tiering applied? N/A

DEPARTMENT OF LAW Division of Consumer Protection

40 KAR 2:040. Issuance of permit to use automated calling equipment.

RELATES TO: KRS 367.461, 367.463, 367.465, 367.467, 367.469

STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 367.469

NECESSITY AND FUNCTION: Sets forth the basis for issuance of permit to use automated calling equipment in the Commonwealth of Kentucky.

Section 1. The following principals and procedures shall govern all applications for permits to use automated calling equipment in the Commonwealth of Kentucky.

(1) Application shall be made to the Office of the Attorney General on forms provided by that office.

(2) Answers to all information requirements and applications shall be signed, complete and comprehensive.

(3) The Office of the Attorney General may conduct investigations as to the correctness of information submitted upon application, and may deny a permit for any false or incomplete statement on such application.

Section 2. The surety bond required by KRS 367.469 shall be in favor of the Attorney General's Division of Consumer Protection and shall be held for compensation to consumers in the event of insolvency, bankruptcy, or unavailability of the applicants or permittees to address consumer complaints, claims for restitution or civil penalties for alleged violation of KRS Chapter 367.

Section 3. The following practice and procedure shall govern issuance of permits to use automated calling equipment in the Commonwealth of Kentucky.

(1) Permits for use of automated calling equipment shall be valid for one (1) year.

(2) Upon complete execution of the application, proof of financial responsibility, and verification by the Office of the Attorney General that the requirements of KRS 367.461, 367.463, 367.465, 367.467 and 367.469 have been fully met, a permit shall be issued.

(3) Any change in the information submitted in a permit shall be immediately communicated to the Office of the Attorney General by the permittee.

(4) Permittees shall apply for a reissuance of a permit upon the same form and under the same conditions as an initial application and upon verification by the Attorney General of full and complete answers to all information required, a permit shall reissue annually.

(5) The Attorney General may revoke any permit upon a finding of violation of KRS 367.461, 367.463 or 367.465.

CHRIS GORMAN, Attorney General

APPROVED BY AGENCY: July 15, 1992

FILED WITH LRC: July 15, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 21, 1992, at 10 a.m. at Consumer Protection Division, 209 St. Clair Street, Frankfort, Ky. 40601-1875. Individuals interested in being heard at this hearing shall notify this agency in writing by August 16, 1992, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. 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. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person: David Vandeventer, Consumer Protection Division, 209 St. Clair Street, Frankfort, KY 40601-1875.

REGULATORY IMPACT ANALYSIS

Agency Contact: David Vandeventer

(1) Type and number of entities affected: Entities affected will be telemarketing enterprises using automated calling equipment, a small number estimated not to exceed twenty (20) at present.

(a) Direct and indirect costs or savings to those affected:

1. First year: No fees are required, however a bond estimated to cost \$200 per year is required by statute. In addition a small indirect cost of time in filing an application will be incurred, estimated to take less than three hours. No measurable savings are anticipated.

2. Continuing costs or savings: Subsequent years will require the same small costs as required in the first year.

3. Additional factors increasing or decreasing costs (note any effects upon competition): An indirect reduction in operating costs of entities affected may result from reduced telephone costs resulting from statutorily mandated automatic disconnects which may be partly offset by equipment costs. The result should be no net change in costs and no measurable effect on competition.

(b) Reporting and paperwork requirements: One application per year is required, with updates to reflect material changes in data submitted. This one application is not expected to require additional personnel or equipment costs on affected entities.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Increased costs to the agency are anticipated. The function of the Consumer Protection Division of the Attorney General's Office is, among other things, to police the marketplace for unfair, false, misleading or deceptive acts or practices. This requires some preventive and some remedial efforts. These regulations will require added preventive measures, however enhanced remedial efforts will ultimately be realized. On balance the added cost will occur largely in the first year in putting the registrations on line and will be absorbed with existing staff and equipment.

2. Continuing costs or savings: Continuing costs should be offset by savings in investigating telemarketing fraud and no net change is anticipated.

3. Additional factors increasing or decreasing costs: It is possible that some undesirable telemarketing entities will avoid this jurisdiction rather than submit to the minimal requirements of these regulations, with resulting cost savings. However no projection of those events can reliably be made.

(b) Reporting and paperwork requirements: Reporting and paperwork requirements will be increased. At present the relatively small number of this type of telemarketing entities operating in Kentucky should make the increases small enough to be absorbed by existing budget.

(3) Assessment of anticipated effect on state and local revenues: No net effect on revenue is anticipated. Present enforcement costs should offset future administrative costs by approximately equal amounts.

(4) Assessment of alternative methods; reasons why alternatives

were rejected: Alternative methods of controlling telemarketing abuses have been tried for years. None have been successful. The proposed regulations and statute underlying them are minimal, particularly as compared with sister states.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or in duplication: The prohibition against unfair, false, misleading or deceptive acts or practices set out elsewhere in KRS Chapter 367 overlaps this specific effort focused on telemarketing, however no conflict exists.

(a) Necessity of proposed regulation if in conflict: No conflict exists.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: No conflict exists.

(6) Any additional information or comments: None.

TIERING: Is tiering applied? N/A

DEPARTMENT OF LAW Division of Consumer Protection

40 KAR 2:050. Procedures for a hearing.

RELATES TO: KRS 367.461, 367.463, 367.465, 367.467, 367.469

STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 367.469

NECESSITY AND FUNCTION: This regulation establishes the procedures for conducting a hearing by the Office of the Attorney General to revoke a permit to use automated dialing equipment in the Commonwealth of Kentucky.

Section 1. The purpose of this regulation is to enable the Office of the Attorney General to conduct an orderly and reasonably expeditious search for the truth while ensuring that due process is afforded to the permittee. Accordingly, this regulation shall be liberally construed to aid in that process.

Section 2. Revocation actions will be heard by an Assistant Attorney General or a hearing examiner employed by the Department of Law in the capacity of hearing officer.

Section 3. The permittee shall have the right to be present and to be heard at the hearing, to be represented by legal counsel, to present evidence, to cross-examine witnesses presented by the attorney prosecuting the matter before the hearing officer, and to make both opening and closing statements.

Section 4. Prehearing Disclosure of Evidence. (1) The permittee shall have the right to inspect the investigative file relating to a revocation action which is to be the subject of the hearing either in person or by legal counsel. The licensee, certificate holder, or applicant shall have the right to such other information as the hearing officer deems appropriate within ten (10) days of the hearing. Nothing in this section shall be construed as giving the permittee the right to examine or copy the personal notes, observations, conclusions, or work product of legal counsel prosecuting the allegations of the complaint. An appointment for the examination of an investigative file must be made upon reasonable notice, during regular office hours, and at a time acceptable to the staff members involved in the investigation. The licensee, certificate holder, or applicant shall be allowed to examine any items of tangible evidence in the possession of the hearing officer.

(2) At least ten (10) days prior to the scheduled hearing date the permittee shall furnish to the investigator or legal counsel prosecuting the allegations of the complaint copies of any documents which the licensee, certificate holder, or applicant intends to introduce at the hearing, and such other information as the hearing officer deems appropriate. The permittee shall also produce for inspection any items of tangible evidence within its possession or control which it intends to introduce at the hearing.

(3) At least ten (10) days prior to the scheduled hearing date the permittee shall file with the hearing officer a written response to the

specific allegations contained in the notice of charges. The hearing officer may for good cause permit the late filing of a response.

(4) After disclosure has been completed each party shall remain under an obligation to disclose any new or additional items of evidence which may come to its attention. Such additional disclosure shall take place as soon as practicable. Failure to disclose may result in the exclusion of the new evidence or testimony from the hearing.

Section 5. Order of Proceeding. (1) The hearing officer will call the meeting to order and will identify the parties to the action and the persons present. The hearing officer will rule upon any objections or motions. Opening statements will be made, with the attorney prosecuting the allegations of the complaint proceeding first. Either side may waive opening statement.

(2) The taking of proof will commence with the calling of witnesses on behalf of the attorney prosecuting the matter before the hearing officer. Such witnesses will be examined first by the attorney prosecuting the allegations of the complaint, then by the permittee or that person's attorney, and finally by the hearing officer. Rebuttal examination of witnesses will proceed in the same order. Documents or other items may be introduced into evidence as appropriate.

(3) Upon conclusion of the case for the attorney prosecuting the matter before the hearing officer, the permittee will call its witnesses. Such witnesses will be examined first by the permittee or that person's attorney, then by the attorney prosecuting the allegations of the complaint, and finally by the hearing officer. Rebuttal examination of those witnesses will proceed in the same order. Documents or other evidence may be introduced as appropriate.

(4) The hearing officer will be responsible for enforcing the general rules of conduct and decorum and expediting the hearing by keeping the testimony and exhibits relevant to the complaint.

Section 6. Rules of Evidence. (1) The hearing officer shall not be bound by the technical rules of evidence. The hearing officer may receive any evidence which he or she considers to be reliable, including testimony which would be hearsay if presented in a court of law. Documentary evidence may be admitted in the form of its genuineness and accuracy. Tangible items may be received into evidence without the necessity of establishing a technical legal chain of custody so long as the hearing officer is satisfied that the item is what it is represented to be and that it is in substantially the same condition as it was at the time of the events under consideration.

(2) The hearing officer retains the discretion to exclude any evidence which he or she considers to be unreliable, incompetent, irrelevant, immaterial, or unduly repetitious. Rulings on objections to evidence will be made by the hearing officer.

Section 7. Upon the conclusion of the hearing, the hearing officer will render a decision in writing with copies to all parties.

CHRIS GORMAN, Attorney General

APPROVED BY AGENCY: July 15, 1992

FILED WITH LRC: July 15, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 21, 1992, at 10 a.m. at Consumer Protection Division, 209 St. Clair Street, Frankfort, Ky. 40601-1875. Individuals interested in being heard at this hearing shall notify this agency in writing by August 16, 1992, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. 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. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person: David Vandeventer, Consumer Protection Division, 209 St. Clair Street, Frankfort, KY 40601-1875.

REGULATORY IMPACT ANALYSIS

Agency Contact: David Vandeventer

(1) Type and number of entities affected: Entities affected will be telemarketing enterprises using automated calling equipment, a small number estimated not to exceed twenty (20) at present.

(a) Direct and indirect costs or savings to those affected:

1. First year: No fees are required, however a bond estimated to cost \$200 per year is required by statute. In addition a small indirect cost of time in filing an application will be incurred, estimated to take less than three hours. No measurable savings are anticipated.

2. Continuing costs or savings: Subsequent years will require the same small costs as required in the first year.

3. Additional factors increasing or decreasing costs (note any effects upon competition): An indirect reduction in operating costs of entities affected may result from reduced telephone costs resulting from statutorily mandated automatic disconnects which may be partly offset by equipment costs. The result should be no net change in costs and no measurable effect on competition.

(b) Reporting and paperwork requirements: One application per year is required, with updates to reflect material changes in data submitted. This one application is not expected to require additional personnel or equipment costs on affected entities.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Increased costs to the agency are anticipated. The function of the Consumer Protection Division of the Attorney General's Office is, among other things, to police the marketplace for unfair, false, misleading or deceptive acts or practices. This requires some preventive and some remedial efforts. These regulations will require added preventive measures, however enhanced remedial efforts will ultimately be realized. On balance the added cost will occur largely in the first year in putting the registrations on line and will be absorbed with existing staff and equipment.

2. Continuing costs or savings: Continuing costs should be offset by savings in investigating telemarketing fraud and no net change is anticipated.

3. Additional factors increasing or decreasing costs: It is possible that some undesirable telemarketing entities will avoid this jurisdiction rather than submit to the minimal requirements of these regulations, with resulting cost savings. However no projection of those events can reliably be made.

(b) Reporting and paperwork requirements: Reporting and paperwork requirements will be increased. At present the relatively small number of this type of telemarketing entities operating in Kentucky should make the increases small enough to be absorbed by existing budget.

(3) Assessment of anticipated effect on state and local revenues: No net effect on revenue is anticipated. Present enforcement costs should offset future administrative costs by approximately equal amounts.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Alternative methods of controlling telemarketing abuses have been tried for years. None have been successful. The proposed regulations and statute underlying them are minimal, particularly as compared with sister states.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or in duplication: The prohibition against unfair, false, misleading or deceptive acts or practices set out elsewhere in KRS Chapter 367 overlaps this specific effort focused on telemarketing, however no conflict exists.

(a) Necessity of proposed regulation if in conflict: No conflict exists.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: No conflict exists.

(6) Any additional information or comments: None.

TIERING: Is tiering applied? N/A

DEPARTMENT OF LAW

40 KAR 2:060. Business opportunities.

RELATES TO: KRS 367.801(6)

STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 367.803

NECESSITY AND FUNCTION: To ensure that business opportunities offerings receive scrutiny which is legislatively intended in KRS 367.801 et seq. through a comprehensive coverage of distribution devices.

Section 1. The term "distribution device" as used in KRS 367.801 et seq. shall, in addition to those set forth in KRS 367.801(6), also include the following:

- (1) Pay phones;
- (2) Fire extinguishers;
- (3) Computer software;
- (4) Discounted services including but not limited to travel, telephone, cosmetics club, home furnishings, and dental plan;
- (5) Any other product, equipment, supplies or services or any combination by which a promoter or its affiliate disposes of or attempts to dispose of goods or services to a consumer to enable the consumer to begin a business.

CHRIS GORMAN, Attorney General

APPROVED BY AGENCY: July 15, 1992

FILED WITH LRC: July 15, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 21, 1992, at 11 a.m. at Consumer Protection Division, 209 St. Clair Street, Frankfort, Ky. 40601-1875. Individuals interested in being heard at this hearing shall notify this agency in writing by August 16, 1992, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. 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. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person: Wanda Delaplane, Consumer Protection Division, 209 St. Clair Street, Frankfort, KY 40601-1875.

REGULATORY IMPACT ANALYSIS

Agency Contact: Wanda Delaplane

(1) Type and number of entities affected: a) Type of entities affected: Those entities offering business opportunities which have a distribution device not covered by KRS 367.801(6). b) Number of entities affected: Exact number unknown but approximately 70 per year with an annual increase.

(a) Direct and indirect cost:

1. First Year: Cost: The entities offering the business opportunity will be required to post a \$25,000 surety bond. This is a one time cost. There are no registration fees. Savings: None

2. Continuing costs or savings: The cost for continuing years would be the same as the first - the cost of the bond.

3. Additional factors increasing or decreasing: None.

(b) Reporting and Paperwork Requirements: The only additional paperwork required of the companies affected would be the posting of the bond - a minimal impact.

(2) Effects upon promulgating administrative body:

(a) Direct and Indirect costs or savings:

1. First year: No cost or savings as personnel are in place.

2. Continuing Costs: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: The only additional paperwork for the amendment body would be the paperwork for the posting of the bond which would be extremely slight.

(3) Assessments of anticipated effect on state and local revenue: This will prevent consumers across the state from being defrauded of thousands of dollars. Investments in business opportunities are costly; almost always, thousands of dollars. Allowing regulation of all the business opportunities which fit the definition of KRS 367.801(5) by expanding the list of distribution devices will assist in preventing consumers investing in fraudulent investments. This anticipated savings is impossible to give a dollar value.

(4) Assessments of alternative methods: Since KRS 367.803 allows for the adding to the list of distribution devices by regulation, there is no alternative method.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: The general prohibition against unfair, false, misleading or deceptive acts in trade or commerce found in KRS 367.170 overlaps but is not a conflict.

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments: None

TIERING: Is tiering applied? N/A

STATE INVESTMENT COMMISSION

200 KAR 14:011. General rules.

RELATES TO: KRS Chapter 42

STATUTORY AUTHORITY: KRS 42.525

NECESSITY AND FUNCTION: KRS 42.525 provides that the State Investment Commission shall prescribe rules for the operation of the state's investment program. This regulation establishes the general rules which apply to the investment of state funds.

Section 1. Definitions. For purposes of this regulation:

- (1) "Commission" means the State Investment Commission; and
- (2) "Office" means the Office of Financial Management and Economic Analysis.

Section 2. General. The purpose of this regulation is to provide standard rules that will govern the Commonwealth's investment and cash management programs.

Section 3. Goals of Investments. The goals of all investments of the Commonwealth are to:

(1) Insure safety of principal. The commission shall not allow the investment of state funds in any institution or instrument which it deems unsafe and a threat to the security of those funds.

(2) Maintain adequate liquidity to meet the cash needs of the Commonwealth. The commission is charged with the duty of determining the Commonwealth's liquidity needs pursuant to KRS 42.410. In light of this responsibility, the office shall not execute nor allow the execution of any investment that will negatively impact the short or long-term cash needs of the Commonwealth.

(3) Maximize yield. The commission shall invest in securities which maximize yield or return to the Commonwealth within the safety and liquidity constraints set out by the commission.

Section 4. Monies to be Invested. The commission shall invest all state funds as defined in KRS 446.010(31) which are excess, surplus, or otherwise available for investment for periods of time of one (1) day or more.

Section 5. Minimum Interest Rates. (1) The amount of funds per investment instrument will be determined periodically by the commission at its regular public meetings. Criteria to determine such amounts are:

(a) Liquidity needs of the various state agencies for which funds are budgeted; and

(b) Rates available per instrument, and safety of principal and interest.

(2) Investment instruments will be qualified as available for use by being:

(a) Specified as such in statute; and

(b) Further qualified under the provisions of 200 KAR 14:081, 200 KAR 14:091 and other administrative regulations as promulgated by the commission.

(3) The commission shall not allow the investment of state funds in any institution or instrument for a term of one (1) year or less at a yield less than the yield available on Treasury Bills of similar maturity. For funds to be invested for more than one (1) year, the commission shall not allow investment in any institution or instrument at a yield less than the yield available on Treasury Notes of similar maturity.

Section 6. Acceptable Maturity of Investments. The maturity of investments made by the commission shall be subject to the liquidity needs of the Commonwealth as determined by the commission.

Section 7. In-state and Out-of-state Deposits. All funds eligible for investment in certificates of deposit as determined by the commission shall first be offered to financial institutions chartered in Kentucky or by the United States that have their main office located in Kentucky. The rate at which these funds will be offered shall be set by the commission as set out in KRS Chapter 42. Should Kentucky financial institutions eligible for these funds refuse any part of the funds offered, the commission may offer the funds to any commercial bank chartered in the United States, approved by the commission. Any out-of-state investments shall be subject to the same collateralization requirements as in-state investments.

Section 8. Distribution of Funds Among Types of Institutions. Distribution of funds among types of institutions will be determined from time to time by the commission at its regular public meetings. The criteria for that distribution will be:

(1) The institution is permitted by statute to qualify as a depository;

(2) Rates available;

(3) Sufficiency of collateral; and

(4) Determination as to whether institutions are meeting the economic development needs of the community.

BRERETON C. JONES, Chairman

APPROVED BY AGENCY: July 6, 1992

FILED WITH LRC: July 14, 1992 at 4 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 21, 1992, at 9 a.m. in Room 261, Capitol Annex Building, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify the commission in writing by August 16, 1992, five days prior to the hearing of their interest to attend the hearing. If no notification of intent to attend this hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person attending will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made at cost to the requesting party. If you do not wish to attend the public hearing, you may submit written comments on the proposed regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Mary Lassiter, Office of Financial Management and Economic Analysis, Room 261, Capitol Annex, Frankfort, Kentucky 40601, (502) 564-2924.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Mary E. Lassiter

(1) Type and number of entities affected: The only entities directly affected by this regulation are the State Investment Commission and its staff, the Office of Financial Management and Economic Analysis. Indirectly, all agencies of state government are affected as funds invested by the commission belong to every agency of state government.

(a) Direct and indirect costs or savings to those affected: There

should be no direct or indirect cost or savings to the affected entities. This regulation is similar to a prior administrative regulation which governed the same subject matter; the policies outlined in the regulation are already in use by the affected agencies.

1. First year: No impact expected.

2. Continuing costs or savings: None expected.

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: This regulation will not result in an increase of reporting and/or paperwork.

(2) Effects on the promulgating administrative body: The administrative body currently abides by all of the provisions of the regulation. Therefore, there is expected to be no effect to the agency as a result of the regulation.

(a) Direct and indirect costs or savings: There should be no direct or indirect cost or savings to the administrative body. This regulation is similar to a prior administrative regulation which governed the same subject matter; the policies outlined in the regulation are already in use by the affected agencies.

1. First year: No impact expected.

2. Continuing costs or savings: None expected.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: This regulation will not result in an increase of reporting and/or paperwork.

(3) Assessment of anticipated effect on state and local revenues: The regulation further defines the general investment guidelines to be implemented by the State Investment Commission as outlined in statute. The better the investment and cash management programs of the Commonwealth are managed by the commission, the more investment income the Commonwealth has to appropriate. However, the practices outlined in the regulation are currently being utilized. Therefore, there should be no effect on state revenues. There will be no effect on local revenues. The State Investment Commission has no authority over the investment of local funds.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The regulation is being filed to replace an administrative regulation which was found to be deficient. The areas of concern which led to the regulation being found deficient have been removed or amended. No alternatives were considered in this regard. Amendments were made to conform to suggestions from the report filed with the Joint Interim Committee on Appropriations and Revenue.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There are no statutes, administrative regulations or government policies which are in conflict, overlap or duplicated this regulation.

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

TIERING: Was tiering applied? Yes. This regulation was narrowly tailored to only affect agencies of state government for whom funds are invested by the State Investment Commission.

STATE INVESTMENT COMMISSION

200 KAR 14:081. Repurchase agreement.

RELATES TO: KRS Chapters 41, 42

STATUTORY AUTHORITY: KRS 42.525

NECESSITY AND FUNCTION: KRS 42.525 provides that the State Investment Commission shall prescribe rules for the operation of the state's investment program. This regulation establishes the general rules which shall apply to the employment of repurchase agreements as investment vehicles with commercial banks or savings and loan associations chartered by the Commonwealth of Kentucky or by an agency of the United States government to do business in Kentucky, providing the main office is in Kentucky; or investment banking firms approved by the State Investment Commission at its open regular meetings.

Section 1. Definitions. For purposes of this regulation:

- (1) "Commission" means the State Investment Commission;
- (2) "Office" means the Office of Financial Management and Economic Analysis;
- (3) "Repurchase agreement" means an actual, conditional purchase of securities of the United States Treasury, any agency instrumentality or corporation of the United States, or any other security authorized for investment pursuant to KRS 42.500(6), with an agreement to resell the securities to their original owner on a specific date in the future.

Section 2. General. The use of repurchase agreements as a vehicle by which to channel state investable funds into commercial banks and savings and loan associations provides distinct advantages to both parties. The banks and savings and loan associations do not have to post reserves against these funds in that they are not defined as deposits by their regulatory agencies. Secondly, they do not have to bear increased premiums for deposit insurance. The result is that the state may receive a higher yield for its investment. Further, repurchase agreements, in general, provide the maximum available yield to the state's portfolio of the alternatives statutorily available to the commission in managing short-term funds.

Section 3. Monies to be Invested. The commission shall invest all public funds as defined by KRS 446.010(31). The office shall execute all investments on behalf of the commission. All such investments shall be executed in accordance with the investment policies duly adopted by the commission.

Section 4. Minimum Interest Rates. The commission shall not allow public funds to be invested in any repurchase agreement with a yield less than could be received on any directly purchased United States Treasury security of a comparable maturity.

Section 5. Eligible Investment Institutions. Any commercial bank or savings and loan association chartered by the Commonwealth of Kentucky or by the U.S. government with its main office located in Kentucky shall be considered eligible to enter into repurchase agreements (as defined in this regulation) with the Commonwealth. Any investment banking firm approved by the commission at an open meeting shall be considered eligible.

Section 6. Reporting Requirements for Eligible Investment Institutions. The commission shall advise all eligible investment institutions of the following reporting requirements which are prerequisites for the investment of state funds in such institutions:

- (1) For commercial banks and savings and loan associations chartered by the Commonwealth of Kentucky or by the U.S. government with main offices located in Kentucky:
 - (a) The institution must submit a copy of its quarterly financial reports as furnished to regulatory bodies, including all accompanying schedules, to the commission;
 - (b) The institution must complete and sign a repurchase agreement contract with the Commonwealth.
- (2) For investment banking firms:
 - (a) The institution must submit a copy of its annual audited financial statements and copies of quarterly financial statements, as published, to the commission;
 - (b) The institution shall complete and sign a repurchase agreement contract with the Commonwealth.

Section 7. Kentucky Banks and Savings and Loan Associations. Priority for Placement of Repurchase Agreements. Pursuant to KRS 42.520, the commission shall assign public funds to public depositories by priority based on evidence that the public depository serves the convenience and economic development needs of the communities in which they are chartered to do business. Repurchase agreements with commercial banks and savings and loan associations chartered by the Commonwealth of Kentucky or by the U.S. government with main offices located in Kentucky shall be placed pursuant to the following guidelines. As loan demand is a measure of economic

activity in a community and as investments shorter than one (1) year are unlikely to provide loanable capital to financial institutions, the prioritization factors for placement of repurchase agreements with maturities longer than one (1) year shall be as follows:

(1) For repurchase agreements with maturities equal to or greater than 365 days, the following financial criteria must be met or exceeded:

- (a) A loan to deposit ratio of equal to or greater than seventy (70) percent;
- (b) A nonperforming loan to capital ratio of equal to or less than twenty (25) five percent;
- (c) A capital to assets ratio of equal to or greater than seven (7) percent; and
- (d) A return on assets ratio greater than zero.

(2) Repurchase agreements with maturities equal to or greater than 365 days with commercial banks and savings and loan associations chartered by the Commonwealth of Kentucky or by the U.S. government with main offices located in Kentucky shall be limited to \$5,000,000 per institution.

(3) The office shall review the financial ratios listed semiannually to determine eligibility of institutions. Existing repurchase agreements with maturities equal to or greater than one (1) year with institutions which fail to meet the minimum criteria for two (2) consecutive reporting periods are subject to call at par value by the commission. Repurchase agreements shall be placed according to:

- (a) Availability of funds;
- (b) Demand for funds by the institutions; and
- (c) Highest loan to deposit ratio of eligible institutions.

Section 8. Maximum Size of Repurchase Agreement per Institution. The commission shall not enter into any repurchase agreement with a commercial bank or savings and loan association of more than \$25,000,000, provided, however, that no such agreement shall be an amount in excess of its capital structure or ten (10) percent of the institution's deposits, whichever is less. There shall be no limitation on the amount of repurchase agreements entered into with investment banking firms. The commission shall review at a minimum on an annual basis, the maximum size of repurchase agreements per institution.

Section 9. Payment for and Safekeeping Purchases. All transactions will be conducted on a payment-versus-delivery basis. In no event will any party allow state funds to be released until delivery of adequate, negotiable collateral has been verified. Securities purchased from commercial banks, savings and loan associations, or investment banks in a repurchase agreement shall be received, verified, and safe-kept by the state's general depository bank or its agent (subject to the approval of the commission).

Section 10. Eligible Securities. Any investment security issued or guaranteed by the United States Treasury; or any agency, corporation or instrumentality of the government of the United States or any other security authorized for investment pursuant to KRS 42.500(6), will be considered eligible for repurchase agreements.

Section 11. Sufficiency of Securities Purchased. The securities purchased shall have a market value (including accrued interest) of not less than 102 percent of the face value of the repurchase agreement. The commission shall cause to have entered in the state's general depository banking contract, language requiring the general depository to review the sufficiency of collateral on all repurchase agreements, at least every seven (7) calendar days. Further, the commission shall demand additional securities be delivered immediately should market conditions cause the value of the securities purchased to drop below 102 percent of the face value of the repurchase agreement.

Section 12. Status of Parties. Both the commission and the commercial bank, savings and loan association, or investment bank shall be considered principals in all repurchase agreements and never be considered to be acting as agents for third parties. All contractual

obligations shall apply to and be binding on the commission and the specific financial institution with which the repurchase agreement is initially negotiated and settled.

Section 13. Default. The commission shall, in the case of default, or the suspicion of default, on the part of any institution with which it has entered into a repurchase agreement, immediately liquidate all securities delivered to it in the repurchase agreement. From the proceeds, the commission shall pay itself the full principal and accrued interest due as of the date of liquidation. Any remaining cash balances will be forwarded to the financial institution with which the repurchase agreement was originally executed.

Section 14. Contract. Formal agreements shall be signed by commercial banks, savings and loan associations, and investment banks desiring to enter into repurchase agreements with the Commonwealth. Each commercial bank and savings and loan association and investment bank must agree to and sign the Commonwealth's repurchase agreement contract prior to executing a repurchase agreement with the Commonwealth.

BRERETON C. JONES, Chairman

APPROVED BY AGENCY: July 6, 1992

FILED WITH LRC: July 14, 1992 at 4 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 21, 1992, at 9 a.m. in Room 261, Capitol Annex Building, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify the commission in writing by August 16, 1992, five days prior to the hearing of their interest to attend the hearing. If no notification of intent to attend this hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person attending will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made at cost to the requesting party. If you do not wish to attend the public hearing, you may submit written comments on the proposed regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Mary Lassiter, Office of Financial Management and Economic Analysis, Room 261, Capitol Annex, Frankfort, Kentucky 40601, (502) 564-2924.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Mary E. Lassiter

(1) Type and number of entities affected: The entities directly affected by this regulation are the State Investment Commission, the Office of Financial Management and Economic Analysis, Kentucky banks (335) and savings and loan institutions (60), and investment banking firms with which the State Investment Commission deals (3). Indirectly, all agencies of state government are affected as funds invested by the commission belong to every agency of state government.

(a) Direct and indirect costs or savings to those affected: There should be no direct or indirect cost or savings to the affected entities. This regulation is similar to a prior administrative regulation which governed the same subject matter; the policies outlined in the regulation are already in use by the affected agencies.

1. First year: No impact expected.

2. Continuing costs or savings: None expected.

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: This regulation will not result in an increase of reporting and/or paperwork.

(2) Effects on the promulgating administrative body: The administrative body currently abides by all of the provisions of the regulation. Therefore, there is expected to be no effect to the agency as a result of the regulation.

(a) Direct and indirect costs or savings: There should be no direct or indirect cost or savings to the administrative body. This regulation is similar to a prior administrative regulation which governed the same

subject matter; the policies outlined in the regulation are already in use by the affected agencies.

1. First year: No impact expected.

2. Continuing costs or savings: None expected.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: This regulation will not result in an increase of reporting and/or paperwork.

(3) Assessment of anticipated effect on state and local revenues: The regulation defines the investment guidelines to be implemented by the State Investment Commission in the use of repurchase agreements. The better the investment and cash management programs of the Commonwealth are managed by the commission, the more investment income the Commonwealth has to appropriate. However, the practices outlined in the regulation are currently being utilized. Therefore, there should be no effect on state revenues. There will be no effect on local revenues. The State Investment Commission has no authority over the investment of local funds.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The regulation is being filed to replace an administrative regulation which was found to be deficient. The areas of concern which led to the regulation being found deficient have been removed or amended. No alternatives were considered in this regard. Amendments were made to conform to suggestions from the report filed with the Joint Interim Committee on Appropriations and Revenue.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There are no statutes, administrative regulations or government policies which are in conflict, overlap or duplicated this regulation.

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

TIERING: Was tiering applied? Yes. This regulation was narrowly tailored to only affect agencies of state government for whom funds are invested by the State Investment Commission.

STATE INVESTMENT COMMISSION

200 KAR 14:091. Guidelines for money market instruments.

RELATES TO: KRS Chapter 42

STATUTORY AUTHORITY: KRS 42.525

NECESSITY AND FUNCTION: KRS 42.525, provides that the State Investment Commission shall prescribe rules for the operation of the state's investment program. This regulation establishes the rules which shall apply to the use of certain money market instruments which include bankers' acceptances, commercial paper and negotiable collateralized and uncollateralized certificates of deposit.

Section 1. Definitions. For purposes of this regulation:

(1) "Commission" means the State Investment Commission;

(2) "Office" means the Office of Financial Management and Economic Analysis;

(3) "Bankers' acceptance" means a short-term negotiable discount note drawn on and accepted by a bank or trust company which is obligated to pay the face value amount at maturity, which is rated in one (1) of the three (3) highest categories by a nationally recognized rating agency.

(4) "Commercial paper" means an unsecured promissory obligation having a maturity of less than 270 days and is originated by an institution that is rated in the highest category by a nationally recognized rating agency.

Section 2. Bankers' Acceptances. (1) The office may purchase these instruments if originated by a bank rated in one (1) of the three (3) highest categories by a nationally recognized rating agency;

(2) The purchase of these instruments shall be made on a payment versus delivery basis and shall be held in the Commonwealth's account in whatever depository shall be designated as eligible by the commission;

(3) These investments may be made for a period of no longer than six (6) months per investment and the total amount of the investment in this security shall not exceed the amount of \$10 million in one (1) institution at a time.

Section 3. Commercial Paper. (1) The office may purchase these instruments when originated by an issuer that is rated in the highest category by a nationally recognized rating agency;

(2) The purchase of these instruments shall be made on a payment versus delivery basis and shall be held in the Commonwealth's account in whatever depository shall be designated as eligible by the commission;

(3) The investments in commercial paper shall be made for a period of no longer than nine (9) months per investment and the total amount of the investment in this security shall not exceed the amount of \$10 million by any issuer at a time.

Section 4. Negotiable Certificates of Deposit, Collateralized and Uncollateralized. (1) The office may purchase these instruments when issued by banks rated in one (1) of the three (3) highest categories by a nationally recognized rating agency;

(2) The purchase of these instruments shall be made on a payment versus delivery basis and shall be held in the Commonwealth's account in whatever depository shall be designated as eligible by the commission;

(3) These investments may be made for a period of no longer than six (6) months per investment and the total amount of investments in these securities shall not exceed the amount of \$10 million in any one (1) institution at a time.

Section 5. Limit of Money Market Instruments of the State's Total Portfolio. The aggregate investment in bankers' acceptances, commercial paper, and negotiable certificates of deposit shall not exceed twenty (20) percent of the Commonwealth's total investment portfolio.

Section 6. Exceptions. There shall be no exceptions to these guidelines except those approved by the commission or the executive director of the office on the commission's behalf based upon the liquidity needs of the Commonwealth.

BRERETON C. JONES, Chairman

APPROVED BY AGENCY: July 6, 1992

FILED WITH LRC: July 14, 1992 at 4 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 21, 1992, at 9 a.m. in Room 261, Capitol Annex Building, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify the commission in writing by August 16, 1992, five days prior to the hearing of their interest to attend the hearing. If no notification of intent to attend this hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person attending will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made at cost to the requesting party. If you do not wish to attend the public hearing, you may submit written comments on the proposed regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Mary Lassiter, Office of Financial Management and Economic Analysis, Room 261, Capitol Annex, Frankfort, Kentucky 40601, (502) 564-2924.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Mary E. Lassiter

(1) Type and number of entities affected: The only entities affected by this regulation are the State Investment Commission and its staff, the Office of Financial Management and Economic Analysis. Indirectly, all agencies of state government are affected as funds invested by the commission belong to every agency of state government.

(a) Direct and indirect costs or savings to those affected: There should be no direct or indirect cost or savings to the affected entities. This regulation is similar to a prior administrative regulation which governed the same subject matter; the policies outlined in the regulation are already in use by the affected agencies.

1. First year: No impact expected.

2. Continuing costs or savings: None expected.

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: This regulation will not result in an increase of reporting and/or paperwork.

(2) Effects on the promulgating administrative body: The administrative body currently abides by all of the provisions of the regulation. Therefore, there is expected to be no effect to the agency as a result of the regulation.

(a) Direct and indirect costs or savings: There should be no direct or indirect cost or savings to the administrative body. This regulation is similar to a prior administrative regulation which governed the same subject matter; the policies outlined in the regulation are already in use by the affected agencies.

1. First year: No impact expected.

2. Continuing costs or savings: None expected.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: This regulation will not result in an increase of reporting and/or paperwork.

(3) Assessment of anticipated effect on state and local revenues: The regulation will continue to allow the Commonwealth to earn approximately \$196,000 additional investment income per year. There will be no effect on local revenues. The State Investment Commission has no authority over the investment of local funds.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The regulation is being filed to replace an administrative regulation which was found to be deficient. The areas of concern which led to the regulation being found deficient have been removed or amended. No alternatives were considered in this regard. Amendments were made to conform to suggestions from the report filed with the Joint Interim Committee on Appropriations and Revenue.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There are no statutes, administrative regulations or government policies which are in conflict, overlap or duplicated this regulation.

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

TIERING: Was tiering applied? Yes. This regulation was narrowly tailored to only affect agencies of state government for whom funds are invested by the State Investment Commission.

TOURISM CABINET

Department of Fish and Wildlife Resources

301 KAR 3:090. Waterfowl painting contract.

RELATES TO: KRS Chapter 13A, 150.230, 150.250, 150.605
STATUTORY AUTHORITY: KRS Chapter 13A, 150.605

NECESSITY AND FUNCTION: This regulation pertains to the issuance of a contract for a painting to be used as the annual waterfowl stamp, which is issued by the state. The function of this regulation is to identify the procedure for issuing the contract made necessary by KRS 150.605.

Section 1. Definitions. (1) "Painting" means the artist's original depiction of waterfowl as well as all prints, reproductions, photographs and other likenesses of the original, except the Kentucky waterfowl stamp.

(2) "Kentucky waterfowl stamp" means that stamp issued annually by the department using and depicting the painting described in subsection (1) of this section.

Section 2. Contractor Application and Designation. (1) Application. Nonprofit organizations, duly chartered in Kentucky and agreeing to the terms and conditions for expending proceeds from the sale of the Kentucky waterfowl stamp painting as detailed in KRS 150.605 and Section 4 of this regulation, may apply to the department for the sole rights to commission, own, market and sell the Kentucky waterfowl stamp painting. Application shall be by letter to the commissioner and shall provide a marketing and sales history, a marketing plan, proof of charter and a general plan for dispensing sales revenues which identifies, as percentages of gross, direct and indirect administrative and other overhead expenditures along with revenues for waterfowl projects.

(2) Designation. The department shall evaluate the applications and choose the nonprofit organization, hereinafter referred to as the designee, that is best able to deliver a quality product based on history of marketing and fundraising success that yields the most benefits to waterfowl resources in the Mississippi Flyway. The designee shall be notified of his success by the department providing a signed written contract.

Section 3. Painting Commission, Delivery, Ownership and Use.

(1) Commission. The designee shall be solely responsible for the commissioning of an artist for the production of a waterfowl painting. The painting shall be of such specifications that it can be easily rendered into the format of the Kentucky waterfowl stamp. The department shall have the right to review preliminary drawings and to require reasonable format changes or modifications.

(2) Delivery. The designee shall make a three and one-half (3 1/2) inch by five (5) inch four (4) color transparency of the painting available to the department by 30 May each year.

(3) Ownership and use. The title, copyright and all other rights in and to the painting shall be the property of the designee. The department may use reproductions of the painting for noncommercial promotional purposes without providing remuneration to the designee or seeking additional permission. The designee shall provide the department at no cost one (1) signed and numbered print with the appropriately numbered Kentucky waterfowl stamp affixed.

Section 4. Revenue Expenditures and Accountability. The designee shall provide the department with a complete report by 30 May of each year of projects, including their nature, location, and impact on the waterfowl using the Mississippi Flyway, to which the revenues of the sale of all paintings are applied. The report shall include an accounting of all revenues derived from the sale of the paintings and the amount of such proceeds expended upon each project.

Section 5. Stamps to the Committee. The department shall make available to the designee, at the regular selling price, a sufficient number of first serially numbered stamps to use with the sale of prints. The designee shall be responsible and accountable for these stamps in the manner as any county clerk or any other agent authorized by a county clerk to sell licenses.

DON R. McCORMICK, Commissioner

DAVID H. GODBY, Chairman

CRIT LUALLAN, Secretary

APPROVED BY AGENCY: June 12, 1992

FILED WITH LRC: June 29, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 25, 1992 at 9 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 20, 1992, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you

may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Mr. Lauren E. Schaaf, Director of Wildlife, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Don R. McCormick

(1) Type and number of entities affected: Two - the department and a designated nonprofit organization.

(a) Direct and indirect costs or savings to those affected: Costs of commissioning, printing, distributing and marketing prints will be borne by the nonprofit entity.

1. First year: Same

2. Continuing costs or savings: Same

3. Additional factors increasing or decreasing costs (note any effects upon competition): While this regulation selects a nonprofit entity to handle stamps, to do otherwise would eliminate profitability to everyone.

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: None. These will be borne by the nonprofit entity charged with stamp designs and distribution, etc.

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: All reporting and paperwork requirements will be done by the nonprofit entity.

(3) Assessment of anticipated effect on state and local revenues: Art work sold will generate local economic activity and supply some tax revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The nonprofit entity will be selected because of their involvement in waterfowl management which the statute dictates profits from print sales to go. No other nonprofit entities could fulfill this requirement.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None known.

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments:

TIERING: Was tiering applied? No. This type of regulation does not lend itself to tiering.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET Department for Environmental Protection Division for Air Quality

401 KAR 50:037. Emissions fee.

RELATES TO: 224.10-100, 224.20-100, 224.20-130, 1992 Kentucky Acts Ch. 462, Part I(J)(58)(b) and Part IX(20)

STATUTORY AUTHORITY: KRS 224.10-100, 1992 Kentucky Acts Ch. 462, Part I(J)(58)(b) and Part IX(20)

NECESSITY AND FUNCTION: KRS 224.10-100 requires the Natural Resources and Environmental Protection Cabinet to prescribe regulations for the prevention, abatement, and control of air pollution. This regulation provides for the assessment of fees necessary to operate programs which accomplish those purposes.

Section 1. Definitions. As used in this regulation, all terms not defined in this section shall have the meaning given them in 401 KAR 50:010.

(1) "Actual emissions" means emissions 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).

(2) "Air quality program" means activities of the Kentucky Division for Air Quality, including but not limited to the review of permit applications, registrations, and exemptions; the issuance of permits to construct and operate air pollution sources; inspections of air pollution sources; enforcement activities other than civil or criminal prosecutions in a court of law; air quality and emissions monitoring, including quality assurance; the preparation of reports, plans, regulations, and statutes; responses to inquiries; the preparation and maintenance of records, including computerized data bases; and air quality modeling. Air quality program does not mean activities directly related to the control of asbestos.

(3) "Calendar year" means the period beginning January 1 and ending the following December 31.

(4) "Emissions fee" means the fee assessed an air pollution source based on the source's subject emissions.

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

(6) "Subject emissions" means actual emissions of sulfur dioxide, oxides of nitrogen, PM₁₀, and volatile organic compounds or ethyl alcohol from an air pollution source subject to this regulation, except that actual emissions in excess of 4,000 tons of a single pollutant from a source shall not be subject emissions.

Section 2. Applicability. This regulation shall apply to each air pollution source required to have a permit to operate issued by the cabinet which emitted twenty-five (25) tons per year or more of combined subject emissions. This regulation shall not apply to mobile sources, sources located in an air pollution control district granted concurrent jurisdiction by the cabinet under KRS 224.20-130, or the electric utility units exempted from this fee by 1992 Kentucky Acts Chapter 462, Part I(J)(58)(b) and Part IX(20).

Section 3. Fee Assessment. (1) On July 1, 1992, and again on July 1, 1993, or as soon after each date as practicable, the Division for Air Quality shall calculate and assess an annual emissions fee based on subject emissions for each air pollution source subject to this regulation and shall provide written notification to each source of the amount of fee due.

(2) At least three (3) 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 appropriate to that source for updating. Within forty-five (45) days of the date this information is mailed, each source shall provide the cabinet with the information necessary to update the actual emissions. The cabinet may request that a source provide documentation justifying the update.

(3) At least thirty (30) days prior to assessing the fee, the cabinet shall determine whether or not to update the actual emissions, based on the information provided by the source and on other information available to the cabinet. If the cabinet determines that an update should be made, it shall make the update prior to assessing the fee. If the cabinet determines that an update shall not be made, or that an update shall be made based on information other than that provided by the source, the cabinet shall notify the source of this determination at least thirty (30) days prior to assessing the fee. If the cabinet is unable to make its determination in the time allotted, it shall assess the emissions fee based on the information provided by the source. Assessment of this fee shall constitute a final determination by the cabinet.

(4) The emissions fee assessed in fiscal year 1992-93 shall be equal to the subject emissions from each source, measured in tons, multiplied by the dollar amount which shall generate a total sum of \$2,131,200 from all emissions fees. The emissions fee assessed in fiscal year 1993-94 shall be equal to the subject emissions from each source, measured in tons, multiplied by the dollar amount which shall generate a total sum of \$2,664,000 from all emissions fees.

(5) Each source subject to this regulation shall pay the emissions fee by check or money order, made payable to the Kentucky State

Treasurer, within sixty (60) days after the date on which the cabinet mails to the source the written notification of the amount of fee due.

Section 4. Suspension of Permit to Operate. In addition to other penalties contained in KRS Chapter 224, a source which fails to pay the assessed emissions fee within ninety (90) days after the date on which the cabinet mails to the source the written notification of the amount of fee due shall have its permit to operate suspended until the emissions fee is paid or until a schedule of payment acceptable to the cabinet has been established.

Section 5. Use of Fees. All fees collected pursuant to this regulation shall be deposited in a trust and agency account and shall be used solely for funding the air quality program.

PHILLIP J. SHEPHERD, Secretary

JUDITH A. VILLINES, Commissioner

APPROVED BY AGENCY: July 14, 1992

FILED WITH LRC: July 15, 1992 at 9 a.m.

PUBLIC HEARING: A public hearing to receive comments on this proposed regulation will be conducted on August 28, 1992, at 10 a.m. (ET) in the Auditorium of the Capital Plaza Tower, Frankfort, Kentucky. Those persons interested in attending this public hearing shall contact, in writing at least five days prior to the hearing: John E. Hornback, Director, Division for Air Quality, 316 St. Clair Mall, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: John E. Hornback

(1) Type and number of entities affected: There will be approximately 500 major stationary sources affected by this regulation.

(a) Direct and indirect costs or savings to those affected:

1. First year: \$2,131,200 total cost to all affected sources.

2. Continuing costs or savings: \$2,664,000 for the second year total cost to all affected sources.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors increasing or decreasing costs, and no anticipated effects on competition.

(b) Reporting and paperwork requirements: Each source will submit a check to the Kentucky State Treasurer in the amount determined by the Division for Air Quality. Some sources not presently required to do so will be required to update their emission inventories on an annual basis. No additional reporting will be required.

(2) Effects on the promulgating administrative body: The Division for Air Quality will administer a fee assessment and collection program that will include billing, recordkeeping, tracking of actual emissions.

(a) Direct and indirect costs or savings:

1. First year: The Division for Air Quality will incur slight additional costs for administering the emissions fee program. These costs will be borne by the division's approved budget.

2. Continuing costs or savings: The continuing costs will be identical to the first year costs.

3. Additional factors increasing or decreasing costs: There are no additional factors increasing or decreasing costs.

(b) Reporting and paperwork requirements: There are no anticipated additional reports beyond the paperwork involved to notify sources of the fee to be paid, collect receipts, and record emissions for the following year.

(3) Assessment of anticipated effect on state and local revenues: 1992 Kentucky Acts Chapter 462, Part I(J)(58)(b) and Part IX(20) (the budget bill) requires the Kentucky Natural Resources and Environmental Protection Cabinet to assess a fee to air pollution sources in Kentucky based on each source's emissions of oxides of nitrogen, sulfur dioxide, volatile organic compounds, particulate matter, and ethyl alcohol. The fee is to result in total revenues of \$2,131,200 in fiscal year 1992-93, and \$2,664,000 in fiscal year 1993-94. This regulation accomplishes that purpose, and will increase the general fund of the Commonwealth by those amounts. The budget bill further

requires that the funds generated by the emissions fee be used solely for the support of the air quality program.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were considered because the assessment of this fee is mandated by legislation.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There are no statutes, rules, regulations, or government policies which are in conflict, overlapping, or duplicative.

(a) Necessity of proposed regulation if in conflict: This regulation is not in conflict.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: This regulation is not in conflict.

(6) Any additional information or comments: This regulation conforms to the instructions of the 1992 Kentucky General Assembly.

TIERING: Was tiering applied? Yes. Because the emissions fee is based on a cost per ton of pollutants emitted, sources emitting greater amounts of pollution will be assessed a higher fee than sources emitting lesser amounts. Additionally, sources emitting fewer than 25 tons of pollution per year will not be assessed an emissions fee.

FISCAL NOTE ON LOCAL GOVERNMENT

1. Does this administrative regulation relate to any aspect of a local government, including any service provided by that local government? Yes.

2. State what unit, part or division of local government this administrative regulation will affect. Publicly-owned sources such as incinerators or municipal utilities may be subject to this regulation, depending on the amount of emissions of the pollutants listed earlier.

3. State the aspect or service of local government to which this administrative regulation relates. This regulation applies to any local government entity which emits 25 tons or more of sulfur dioxide, oxides of nitrogen, particulate matter, volatile organic compounds, ethyl alcohol, or any combination of those pollutants.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a local government for the first full year the regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-): The cost for the first year for affected sources will be \$9 per ton of emissions. The cost for the second year will be approximately \$11 per ton of emissions. These costs may vary somewhat according to revisions to the Kentucky Emissions Inventory System.

Other explanation: The cabinet has no additional comments.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET Department for Surface Mining Reclamation and Enforcement

405 KAR 1:007. Termination and reassertion of jurisdiction.

RELATES TO: KRS 350.060, 350.070, 350.085, 350.090, 350.093, 350.100, 350.130, 350.135, 350.200, 350.210, 350.220, 350.405-455, 350.465, 30 CFR 700.11(d), 710, 715, 716, 720, 730-733, 735, 917, 30 USC 1252, 1255, 1265, 1278, 1291

STATUTORY AUTHORITY: KRS Chapter 13A, 350.020, 350.028, 350.050, 350.060, 350.465, 30 CFR 700.11(d), 710, 715, 716, 720, 730-733, 735, 917, 30 USC 1252, 1255, 1265, 1278, 1291

NECESSITY AND FUNCTION: KRS Chapter 350 in pertinent part requires the cabinet to promulgate administrative regulations pertaining to surface coal mining and reclamation operations. This regulation establishes requirements to terminate the jurisdiction of the cabinet under this chapter over the reclaimed site of a completed surface coal mining and reclamation operation, or increment thereof,

and to reassert that jurisdiction under certain conditions.

Section 1. Termination of Jurisdiction. Beginning November 1, 1992, the jurisdiction of the cabinet under this chapter over the reclaimed site of a completed surface coal mining and reclamation operation, or increment thereof, shall terminate when the cabinet has made a final decision in accordance with 405 KAR 1:050, Section 11 to release the performance bond fully. For the purposes of this section, the cabinet's decision to release the performance bond shall not be final until the time to file administrative and judicial appeals has expired and all appeals have been resolved.

Section 2. Reassertion of Jurisdiction. (1) If jurisdiction was terminated under Section (1) of this administrative regulation, the cabinet shall reassert jurisdiction under this chapter over the site if it is demonstrated that the bond release decision was based upon fraud, collusion, or misrepresentation of a material fact.

(2) If the cabinet prior to November 1, 1992, terminated jurisdiction under this chapter over the reclaimed site of a completed surface coal mining and reclamation operation, or increment thereof, the cabinet shall reassert jurisdiction under this chapter over the site if it is demonstrated that the bond release decision or other determination that led to the termination of jurisdiction was based upon fraud, collusion, or misrepresentation of a material fact.

JUDITH A. VILLINES, Commissioner

PHILLIP J. SHEPHERD, Secretary

APPROVED BY AGENCY: July 14, 1992

FILED WITH LRC: July 15, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this proposed administrative regulation has been scheduled for 9 a.m. (EDT) Thursday, August 27, 1992 in the Department for Surface Mining Reclamation and Enforcement's Training Room (Room D-16) at the Hudson Hollow Office Park, 2 Hudson Hollow Road, Frankfort, Kentucky. Persons who wish to testify at the hearing shall notify the contact person listed below, in writing, by August 22, 1992. The scheduled hearing will be cancelled if the contact person has not received any written notice of intent to testify by August 22, 1992, five days before the scheduled hearing date. If the hearing is held, it will be open to the public. Any person in attendance who wishes to testify on the proposed administrative regulation will be given a fair and reasonable opportunity to do so, regardless of whether the person has given the cabinet prior written notice of his intent to testify. To assure an accurate record, the cabinet requests each person testifying at the hearing to provide the cabinet with a written copy of his testimony. The cabinet is not required to make a recording or transcript of the hearing unless someone makes a written request for it, in which case the person requesting the recording or transcript shall pay for it. A person who wishes to comment on this proposed administrative regulation but does not wish to testify at the hearing may submit written comments on the proposed administrative regulation at any time before 4:30 p.m. (EDT) on August 27, 1992. Comments received after that time will not be considered. Written comments and written notices of intent to testify at the hearing shall be submitted to: Jim Villines, Kentucky Department for Surface Mining, 2 Hudson Hollow Road, Frankfort, KY 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact: Jim Villines

(1) Type and number of entities affected: This proposed administrative regulation pertains to termination and subsequent reassertion of the cabinet's jurisdiction under the interim program surface coal mining regulations, 405 KAR Chapter 1, over the reclaimed sites of completed surface coal mining operations, and thus potentially affects all such operations. Over 1,500 interim program permits were issued for surface coal mining operations. This amendment indirectly affects the general public in the coal producing regions of Kentucky. Beginning November 1, 1992 the jurisdiction of the cabinet over the reclaimed site of a completed surface coal mining and reclamation operation, or increment thereof, will automatically terminate upon the

final decision of the cabinet in accordance with 405 KAR 1:050 Section 11 to release the performance bond fully. The cabinet's decision to release the bond is not "final" for the purpose of termination of jurisdiction until the time to file administrative and judicial appeals of the bond release has expired and any appeals have been resolved. The cabinet must later reassert its jurisdiction if the decision to release the bond is demonstrated to have been based upon fraud, collusion, or misrepresentation of a material fact. Prior to this amendment there have been no administrative regulations (or statutes) that expressly set forth criteria or procedures for termination or reassertion of the cabinet's jurisdiction. However, it has been the long standing practice of the cabinet to effectively terminate its jurisdiction by ceasing to inspect and enforce at completed, reclaimed sites where the bond has been fully released or where, if no bond was required, the cabinet has determined that reclamation of the site meets the applicable statutory and regulatory requirements. This amendment does not disturb any actions of the cabinet taken prior to November 1, 1992 under past practices to terminate jurisdiction. However, it requires that the cabinet reassert jurisdiction over such sites under similar criteria as for terminations made automatically under this amendment after November 1, 1992.

(a) Direct and indirect costs or savings to those affected:

1. First year: There will be no direct or indirect costs or savings to operations subject to this amendment, except when the cabinet reasserts jurisdiction over a site because the cabinet's termination of jurisdiction is demonstrated to have been based upon fraud, collusion, or misrepresentation of a material fact. In such cases the permittee will be subject to costs necessary to bring the site into compliance with applicable statutory and regulatory requirements.

2. Continuing costs or savings: Same as first year.

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: No routine requirements.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Since the amendment is consistent with current cabinet practices regarding termination of jurisdiction, there will be no direct or indirect costs or savings in relation to such terminations. However, if the cabinet is required to reassert jurisdiction at a site the cabinet will be subject to operational costs in requiring the persons responsible for the site to bring the site into compliance with applicable statutory and regulatory requirements.

2. Continuing costs or savings: Same as first year.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: No additional routine reporting and paperwork.

(3) Assessment of anticipated effect on state and local revenues: No effect.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were considered. This amendment is necessary to comply with federal regulations.

(5) Identify any statute, administrative regulation, or governmental policy which may be in conflict, overlapping or duplication: None

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(6) Any additional information or comments: None

TIERING: No. Tiering is not applicable to this proposed administrative regulation because, under the federal and Kentucky surface mining laws and regulations, these requirements must apply equally to all operators under 405 KAR Chapter 1.

1. Beginning November 1, 1992 the jurisdiction of the cabinet over the reclaimed site of a completed surface coal mining and reclamation operation, or increment thereof, will automatically terminate upon the final decision of the cabinet in accordance with 405 KAR 1:050, Section 11 to release the performance bond fully. The cabinet's decision to release the bond is not "final" for the purpose of termination of jurisdiction until the time to file administrative and judicial appeals of the bond release has expired and any appeals have been resolved. The cabinet must later reassert its jurisdiction if the decision to release the bond is demonstrated to have been based upon fraud, collusion, or misrepresentation of a material fact. Prior to this amendment there have been no administrative regulations (or statutes) that expressly set forth criteria or procedures for termination or reassertion of the cabinet's jurisdiction. However, it has been the long standing practice of the cabinet to effectively terminate its jurisdiction by ceasing to inspect and enforce at completed, reclaimed sites where the bond has been fully released or where, if no bond was required, the cabinet has determined that reclamation of the site meets the applicable statutory and regulatory requirements. This amendment does not disturb any actions of the cabinet taken prior to November 1, 1992 under past practices to terminate jurisdiction. However, it requires that the cabinet reassert jurisdiction over such sites under similar criteria as for terminations made automatically under this amendment after November 1, 1992.

3. Minimum or uniform standards contained in the federal mandate. The federal regulations at 30 CFR 700.11(d) impose the same standards as the state standards discussed in item 2 above, except as described in item 4 below.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? Yes. Although this amendment does not impose stricter requirements, there are some differences between this amendment and the federal mandate:

(a) The clarification in this amendment, that a bond release decision is not final for purposes of termination of jurisdiction until the time to file appeals has expired and any appeals have been resolved, is not in the text of 30 CFR 700.11(d). However, it is explained in the preamble to the federal rule (53 FR 44356-44363, November 2, 1988) that this is the intent of the rule.

(b) With regard to termination of jurisdiction where a bond was not required, the federal regulation provides that a regulatory authority may terminate its jurisdiction based on its written determination that applicable requirements have been successfully completed. This amendment has the same requirement (written determination) for non-bonded sites where jurisdiction is terminated after November 1, 1992. However, for sites where a bond was not required and jurisdiction was terminated prior to November 1, 1992, this amendment would not retroactively disturb a prior termination of jurisdiction that was based upon an unwritten determination that applicable requirements were successfully completed. The preamble to the federal rule (53 FR 44362, November 2, 1988) explains the intent of the rule: "Accordingly, this rule is prospective only. It does not invalidate previous actions by State regulatory authorities to terminate their jurisdiction but instead formalizes the standards that must be incorporated into approved programs and applied thereafter."

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The "different" requirements in this amendment as described in item 4 above are consistent with the federal regulations for the reasons given in item 4. The federal regulations have a preamble that can help interpret the intent of the regulations. These interpretations are provided directly in this amendment for consistency with KRS Chapter 13A.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate: 30 USC 1252, 1255, 1265, 1278, 1291, 30 CFR Parts 700.11(d), 710, 715, 716, 720, 730-733, 735, 917.

2. State compliance standards. This amendment pertains to termination and subsequent reassertion of the cabinet's jurisdiction under the interim surface coal mining regulations, 405 KAR Chapter

**NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION CABINET**
Department for Surface Mining
Reclamation and Enforcement

405 KAR 3:007. Termination and reassertion of jurisdiction.

RELATES TO: KRS 350.060, 350.070, 350.085, 350.090, 350.093, 350.130, 350.135, 350.151, 350.200, 350.210, 350.220, 350.405-.440, 350.450, 350.455, 350.465, 30 CFR 700.11(d), 710, 715, 717, 720, 730-733, 735, 917, 30 USC 1252, 1255, 1265, 1278, 1291

STATUTORY AUTHORITY: KRS Chapter 13A, 350.020, 350.028, 350.050, 350.060, 350.151, 350.465, 30 CFR 700.11(d), 710, 715, 717, 720, 730-733, 735, 917, 30 USC 1252, 1255, 1265, 1278, 1291

NECESSITY AND FUNCTION: KRS Chapter 350 in pertinent part requires the cabinet to promulgate administrative regulations pertaining to surface coal mining and reclamation operations. For underground coal mines, this regulation establishes requirements to terminate the jurisdiction of the cabinet under this chapter over the reclaimed site of a completed surface coal mining and reclamation operation, or increment thereof, and to reassert that jurisdiction under certain conditions.

Section 1. Termination of Jurisdiction. Beginning November 1, 1992, the jurisdiction of the cabinet under this chapter over the reclaimed site of a completed surface coal mining and reclamation operation, or increment thereof, shall terminate when the cabinet has made a final decision in accordance with 405 KAR 3:050, Section 11 to release the performance bond fully. For the purposes of this section, the cabinet's decision to release the performance bond shall not be final until the time to file administrative and judicial appeals has expired and all appeals have been resolved.

Section 2. Reassertion of Jurisdiction. (1) If jurisdiction was terminated under Section 1 of this administrative regulation, the cabinet shall reassert jurisdiction under this chapter over the site if it is demonstrated that the bond release decision was based upon fraud, collusion, or misrepresentation of a material fact.

(2) If the cabinet prior to November 1, 1992, terminated jurisdiction under this chapter over the reclaimed site of a completed surface coal mining and reclamation operation, or increment thereof, the cabinet shall reassert jurisdiction under this chapter over the site if it is demonstrated that the bond release decision or other determination that led to the termination of jurisdiction was based upon fraud, collusion, or misrepresentation of a material fact.

JUDITH A. VILLINES, Commissioner
PHILLIP J. SHEPHERD, Secretary

APPROVED BY AGENCY: July 14, 1992

FILED WITH LRC: July 15, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this proposed administrative regulation has been scheduled for 9 a.m. (EDT) Thursday, August 27, 1992 in the Department for Surface Mining Reclamation and Enforcement's Training Room (Room D-16) at the Hudson Hollow Office Park, 2 Hudson Hollow Road, Frankfort, Kentucky. Persons who wish to testify at the hearing shall notify the contact person listed below, in writing, by August 22, 1992. The scheduled hearing will be cancelled if the contact person has not received any written notice of intent to testify by August 22, 1992, five days before the scheduled hearing date. If the hearing is held, it will be open to the public. Any person in attendance who wishes to testify on the proposed administrative regulation will be given a fair and reasonable opportunity to do so, regardless of whether the person has given the cabinet prior written notice of his intent to testify. To assure an accurate record, the cabinet requests each person testifying at the hearing to provide the cabinet with a written copy of his testimony. The cabinet is not required to make a recording or transcript of the hearing unless someone makes a written request for it, in which case the person requesting the recording or transcript shall pay for it. A person who wishes to comment on this proposed administrative regulation but

does not wish to testify at the hearing may submit written comments on the proposed administrative regulation at any time before 4:30 p.m. (EDT) on August 27, 1992. Comments received after that time will not be considered. Written comments and written notices of intent to testify at the hearing shall be submitted to: Jim Villines, Kentucky Department for Surface Mining, 2 Hudson Hollow Road, Frankfort, KY 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact: Jim Villines

(1) Type and number of entities affected: This proposed administrative regulation pertains to termination and subsequent reassertion of the cabinet's jurisdiction under the interim program underground coal mining regulations, 405 KAR Chapter 3, over the reclaimed sites of completed underground coal mining operations, and thus potentially affects all such operations. Over 1900 interim program permits were issued for underground coal mining operations. This amendment indirectly affects the general public in the coal producing regions of Kentucky. Beginning November 1, 1992 the jurisdiction of the cabinet over the reclaimed site of a completed underground coal mining and reclamation operation, or increment thereof, will automatically terminate upon the final decision of the cabinet in accordance with 405 KAR 3:050 Section 11 to release the performance bond fully. The cabinet's decision to release the bond is not "final" for the purpose of termination of jurisdiction until the time to file administrative and judicial appeals of the bond release has expired and any appeals have been resolved. The cabinet must later reassert its jurisdiction if the decision to release the bond is demonstrated to have been based upon fraud, collusion, or misrepresentation of a material fact. Prior to this amendment there have been no administrative regulations (or statutes) that expressly set forth criteria or procedures for termination or reassertion of the cabinet's jurisdiction. However, it has been the long standing practice of the cabinet to effectively terminate its jurisdiction by ceasing to inspect and enforce at completed, reclaimed sites where the bond has been fully released or where, if no bond was required, the cabinet has determined that reclamation of the site meets the applicable statutory and regulatory requirements. This amendment does not disturb any actions of the cabinet taken prior to November 1, 1992 under past practices to terminate jurisdiction. However, it requires that the cabinet reassert jurisdiction over such sites under similar criteria as for terminations made automatically under this amendment after November 1, 1992.

(a) Direct and indirect costs or savings to those affected:

1. First year: There will be no direct or indirect costs or savings to operations subject to this amendment, except when the cabinet reasserts jurisdiction over a site because the cabinet's termination of jurisdiction is demonstrated to have been based upon fraud, collusion, or misrepresentation of a material fact. In such cases the permittee will be subject to costs necessary to bring the site into compliance with applicable statutory and regulatory requirements.

2. Continuing costs or savings: Same as first year.

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: No routine requirements.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Since the amendment is consistent with current cabinet practices regarding termination of jurisdiction, there will be no direct or indirect costs or savings in relation to such terminations. However, if the cabinet is required to reassert jurisdiction at a site the cabinet will be subject to operational costs in requiring the persons responsible for the site to bring the site into compliance with applicable statutory and regulatory requirements.

2. Continuing costs or savings: Same as first year.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: No additional routine reporting and paperwork.

(3) Assessment of anticipated effect on state and local revenues: No effect.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were considered. This amendment is necessary to comply with federal regulations.

(5) Identify any statute, administrative regulation, or governmental policy which may be in conflict, overlapping or duplication: None

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Tiering is not applicable to this proposed administrative regulation because, under the federal and Kentucky surface mining laws and regulations, these requirements must apply equally to all operators under 405 KAR Chapter 3.

FEDERAL MANDATE ANALYSIS COMPARISON

Agency Contact: Jim Villines

1. Federal statute or regulation constituting the federal mandate. 30 USC 1252, 1255, 1265, 1278, 1291, 30 CFR Parts 700.11(d), 710, 715, 717, 720, 730-733, 735, 917.

2. State compliance standards. This amendment pertains to termination and subsequent reassertion of the cabinet's jurisdiction under the interim underground coal mining regulations, 405 KAR Chapter 3. Beginning November 1, 1992 the jurisdiction of the cabinet over the reclaimed site of a completed underground coal mining and reclamation operation, or increment thereof, will automatically terminate upon the final decision of the cabinet in accordance with 405 KAR 3:050 Section 11 to release the performance bond fully. The cabinet's decision to release the bond is not "final" for the purpose of termination of jurisdiction until the time to file administrative and judicial appeals of the bond release has expired and any appeals have been resolved. The cabinet must later reassert its jurisdiction if the decision to release the bond is demonstrated to have been based upon fraud, collusion, or misrepresentation of a material fact. Prior to this amendment there have been no administrative regulations (or statutes) that expressly set forth criteria or procedures for termination or reassertion of the cabinet's jurisdiction. However, it has been the long standing practice of the cabinet to effectively terminate its jurisdiction by ceasing to inspect and enforce at completed, reclaimed sites where the bond has been fully released or where, if no bond was required, the cabinet has determined that reclamation of the site meets the applicable statutory and regulatory requirements. This amendment does not disturb any actions of the cabinet taken prior to November 1, 1992 under past practices to terminate jurisdiction. However, it requires that the cabinet reassert jurisdiction over such sites under similar criteria as for terminations made automatically under this amendment after November 1, 1992.

3. Minimum or uniform standards contained in the federal mandate. The federal regulations at 30 CFR 700.11(d) impose the same standards as the state standards discussed in item 2 above, except as described in item 4 below.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? Yes. Although this amendment does not impose stricter requirements, there are some differences between this amendment and the federal mandate:

(a) The clarification in this amendment, that a bond release decision is not final for purposes of termination of jurisdiction until the time to file appeals has expired and any appeals have been resolved, is not in the text of 30 CFR 700.11(d). However, it is explained in the preamble to the federal rule (53 FR 44356-44363, November 2, 1988) that this is the intent of the rule.

(b) With regard to termination of jurisdiction where a bond was not required, the federal regulation provides that a regulatory authority may terminate its jurisdiction based on its written determination that applicable requirements have been successfully completed. This amendment has the same requirement (written determination) for nonbonded sites where jurisdiction is terminated after November 1, 1992. However, for sites where a bond was not required and jurisdiction was terminated prior to November 1, 1992, this amend-

ment would not retroactively disturb a prior termination of jurisdiction that was based upon an unwritten determination that applicable requirements were successfully completed. The preamble to the federal rule (53 FR 44362, November 2, 1988) explains the intent of the rule: "Accordingly, this rule is prospective only. It does not invalidate previous actions by state regulatory authorities to terminate their jurisdiction but instead formalizes the standards that must be incorporated into approved programs and applied thereafter."

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The "different" requirements in this amendment as described in item 4 above are consistent with the federal regulations for the reasons given in item 4. The federal regulations have a preamble that can help interpret the intent of the regulations. These interpretations are provided directly in this amendment for consistency with KRS Chapter 13A.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET Department for Surface Mining Reclamation and Enforcement

405 KAR 7:091. General practice provisions.

RELATES TO: KRS 350.028, 350.070, 350.090, 350.093, 350.130, 350.255, 350.465, 350.990, 1992 Acts c. 304, 30 CFR Parts 730, 731, 732, 733, 735, 917, 30 USC 1253, 1255

STATUTORY AUTHORITY: KRS Chapter 13A, 350.020, 350.028, 350.255, 350.465, 350.610, 1992 Acts c. 304, 30 CFR Parts 730, 731, 732, 733, 735, 917, 30 USC 1253, 1255

NECESSITY AND FUNCTION: KRS Chapter 350 in pertinent part requires the cabinet to promulgate rules and regulations pertaining to surface coal mining and reclamation operations and coal exploration operations. This administrative regulation sets forth hearing, notice and other procedural and due process provisions for the permanent regulatory program. This administrative regulation and 405 KAR 7:092 contain the substance of 405 KAR 7:090 which has been repealed.

Section 1. Applicability. This administrative regulation shall govern the conduct by the cabinet of all administrative hearings and conferences arising under KRS Chapter 350, including those pending at the time this administrative regulation becomes effective, and for public participation, pertaining to the review of determinations on permits for surface coal mining and reclamation operations and coal exploration operations, including issuance, denial, suspension, revocation, modification, and compliance with the terms of any permit; notices of noncompliance and orders for remedial measures; orders for cessation and immediate compliance issued pursuant to KRS 350.130(1) or (4); determinations on performance bond amount, duration, release, and forfeiture; administrative hearings on orders to abate or alleviate issued pursuant to KRS 224.10-410 to surface coal mining and reclamation operations; and all other matters including participation in administrative hearings by any person adversely affected by a determination of the cabinet which in the discretion of the cabinet are appropriate for adjudication and determination by the cabinet or arise by virtue of an order or determination of the cabinet pursuant to the permanent regulatory program for surface coal mining and reclamation operations and coal exploration operations as set forth in KRS Chapter 350 and 405 KAR Chapters 7 through 24.

Section 2. Construction. This administrative regulation shall be construed to achieve just, timely and inexpensive determinations of all questions appropriate for determination pursuant to Section 1 of this administrative regulation.

Section 3. General Provisions for Conducting Administrative Hearings. (1)(a) Hearings generally. All administrative hearings shall be de novo as to all issues of fact and law, provided that those findings previously adjudicated by a final order of the secretary shall be binding against any party to the administrative hearing leading to the final order. A party to an administrative hearing may be represent-

ed by counsel, make oral or written argument, offer testimony, cross-examine witnesses, or take any combination of these actions. An independent hearing officer shall preside at the administrative hearing, shall keep order, and shall conduct the administrative hearing in accordance with reasonable administrative practice and Section 2 of this administrative regulation. Oaths and affirmations shall be administered by the hearing officer or court reporter. The provisions of 400 KAR 1:030 and 400 KAR 1:040 shall apply to cases before the cabinet, consistent with KRS Chapter 350 and 405 KAR Chapters 7 through 24. The hearing officer shall permit any party to represent himself, except a corporate party shall only be represented by an attorney licensed to practice law in the Commonwealth of Kentucky. The failure of a corporate party to appear by counsel, without good cause, shall be grounds for default.

(b) Evidence. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. When necessary to ascertain facts not reasonably susceptible to proof under rules of evidence, evidence not admissible thereunder may be admitted, except where designated as confidential by statute, if it is of a type commonly relied upon by reasonable and prudent persons in the conduct of their affairs. Hearing officers shall give effect to the rules of privilege recognized by law. Objections may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form. Documentary evidence may be received in the form of copies or excerpts. Upon request, parties shall be given an opportunity to compare the copy with the original. A party may conduct cross-examinations required for a full and true disclosure of the facts. Notice may be taken by the hearing officer of generally recognized technical or scientific facts within the cabinet's specialized knowledge. Parties shall be notified either before or during the administrative hearing, or by reference in reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The cabinet's experience, technical competence, and specialized knowledge may be utilized by the hearing officer in the evaluation of the evidence.

(2) Hearing officer's duties. The hearing officer shall in his discretion:

- (a) Administer oaths and affirmations;
- (b) Issue subpoenas in accordance with Section 9 of this administrative regulation;
- (c) Issue appropriate orders relating to discovery in accordance with 400 KAR 1:040;
- (d) Rule on procedural requests or similar matters;
- (e) Hold prehearing conferences for settlement or simplification of the issues;
- (f) Regulate the course of the administrative hearing;
- (g) Rule on offers of proof and receive relevant evidence;
- (h) Take any other action authorized by administrative regulation, KRS Chapter 350 and 405 KAR Chapters 7-24; and
- (i) Make or recommend decisions or reports in accordance with KRS Chapter 350 and the administrative regulations.

(3) Prehearing conference. A hearing officer may order a prehearing conference:

- (a) To simplify and clarify issues;
- (b) To receive stipulations and admissions;
- (c) To explore the possibility of agreement disposing of any or all of the issues in dispute; and
- (d) For any other purposes as may be appropriate, including but not limited to summary disposition of the case.

(4) Summary disposition. At any time after a proceeding has begun, a party may move for a summary disposition of the whole or part of a case, in which event the following procedure shall apply:

(a) The moving party shall verify any allegations of fact with supporting affidavits, unless the moving party is relying upon depositions, answers to interrogatories, admissions, or documents produced upon request to verify such allegations.

(b) A hearing officer may grant a motion and render a report and recommended order to the secretary under this section if the record, including the pleadings, depositions, answers to interrogatories,

admissions, and affidavits, shows that:

1. There is no disputed issue as to any material fact; and
2. The moving party is entitled to a summary disposition as a matter of law.

(c) If a motion for a summary disposition is not granted for the entire case or for all the relief requested and an evidentiary hearing on some or all of the issues is necessary, the hearing officer shall, if practicable, and upon examination of all relevant documents and evidence before him, ascertain what material facts are actually and in good faith controverted. He shall issue an interim report specifying the facts that appear without substantial controversy and direct further proceedings as deemed appropriate.

(5) Hearing officer's report. The hearing officer shall, within thirty (30) days of the close of the administrative hearing record, make a report and recommended order to the secretary, except that the administrative hearing officer shall, within twenty (20) days of the close of the hearing record, make a report and recommended order in administrative hearings on permit determinations under 405 KAR 7:092, Section 8. The report and recommended order shall be based on a preponderance of the evidence appearing in the record as a whole and shall contain appropriate findings of fact and conclusions of law. If the secretary finds upon written request of the hearing officer that additional time is needed, then the secretary may grant a reasonable extension. If granted by the secretary, all parties shall be notified at the time of the granting of the extension. The hearing officer's report and recommended order shall be mailed, postage prepaid, to all parties and their attorneys of record. The parties may file exceptions and responses to the exceptions as provided under 1992 Acts c. 304. There shall be no other or further submissions.

(6) Secretary's order.

(a) The secretary shall consider the report and recommended order, any exceptions filed, and any responses to exceptions, and pass upon the case within a reasonable time. The secretary may remand the matter to the hearing officer, adopt the report and recommended order of the hearing officer as a final order, or issue his own final order.

(b) The final order of the secretary shall be mailed postage prepaid to parties and their attorneys of record.

(c) A final order of the secretary shall be based on substantial evidence appearing in the record as a whole and shall set forth the decision of the secretary and the facts and law upon which the decision is based.

Section 4. Standards of Conduct. (1) Ex parte communications.

(a) Prohibition. Except to the extent required for the disposition of ex parte matters as authorized by law, there shall be no communication concerning the merits of a proceeding between a party to the proceeding or a person interested in the proceeding or a representative of a party or interested person and office personnel involved or who may reasonably be expected to become involved in the decision making process of an administrative hearing or conference, unless the communication, if oral, is made in the presence of all other parties or their representatives, or, if written, is furnished to all other parties. Communications concerning case status or advice concerning compliance with procedural requirements are not prohibited unless the area of inquiry is in fact an area of controversy in the administrative hearing or conference. Oral communications made in violation of this administrative regulation shall be reduced to writing in a memorandum by the person receiving the communication and shall be included in the record. Written communications made in violation of this administrative regulation shall be included in the record. Copies of the memorandum or communication shall be provided to all parties, who shall be given an opportunity to respond in writing.

(b) Sanctions. The hearing officer, who has responsibility for the matter in which a prohibited communication has been knowingly made, may impose appropriate sanctions on the offending person or persons, which may include requiring an offending party to show cause why his claim, motion, or interest should not be dismissed, denied, or otherwise adversely affected; and invoking such sanctions against other offending persons as appropriate.

(2) Disqualification. The hearing officer shall withdraw from a case

if he deems himself disqualified under the recognized canons of judicial ethics. If prior to a decision of the hearing officer an affidavit of personal bias or disqualification with substantiating facts is filed, and the hearing officer concerned does not withdraw, the secretary shall determine the matter of disqualification.

Section 5. Service. (1) A proposed penalty assessment, notice of assessment conference, notice of administrative hearing, or other documents required to be served, including administrative summonses, shall be served either under 400 KAR 1:030 or by one (1) of the following methods:

(a) The cabinet may place a copy of the document to be served in an envelope, and address the envelope to the person to be served at the address set forth in the caption or at the address set forth in written instructions furnished by the initiating party. The cabinet shall affix adequate postage and place the sealed envelope in the United States mail as certified mail return receipt requested. The cabinet shall forthwith enter the fact of mailing in the record and make a similar entry when the return receipt is received. If the envelope is returned with an endorsement showing failure of delivery, that fact shall be entered in the record. The cabinet shall file the return receipt or returned envelope in the record. Service by certified mail is complete upon delivery of the envelope or as provided by paragraph (c) of this subsection. The return receipt shall be proof of the time, place and manner of service. To the extent the United States postal regulations allow authorized representatives of local, state, or federal governmental offices to accept and sign for "addressee only" mail, signature by such authorized representative shall constitute service on the addressee; or

(b) The cabinet may cause the document, with necessary copies, to be transferred for service to a person authorized by the secretary or by a statute to deliver them, or to a person authorized to serve an action in a court of law who shall serve the documents, and the return endorsed thereon shall be proof of the time and manner of service; or

(c) Service may be made upon a person issued a permit by the cabinet, upon a person specified as an operator in the permit application, or upon a person who has submitted an exploration notice or application pursuant to 405 KAR 8:020 by placing, in the United States mail as certified mail, return receipt requested, a copy of the document directed to the named agent for service or the permittee or the operator specified in the permit application (at the address specified on the face of the permit, at the permanent address for the permittee or operator specified in the permit application, or at any new address that has been specified in writing by the permittee or operator), or in the case of coal exploration, by placing, in the United States mail as certified mail, return receipt requested, a copy of the document directed to the person authorized to conduct the coal exploration and addressed to said person's permanent address as noted in the exploration notice or application.

(2) Service shall be effective upon acceptance of the document by any person eighteen (18) years of age or older at the permanent address, upon refusal to accept the document by any person at the permanent address, upon the United States Postal Service's inability to deliver the document if properly addressed pursuant to subsection (1)(a) or (c) of this section, or upon failure to claim the document prior to its return to the cabinet by the United States Postal Service. The return receipt shall be proof of acceptance, refusal, inability to deliver, or failure to claim the document.

(3) Any other method of service authorized by statute, administrative regulation, or the civil rules for an action in a court of law shall be supplemental to and shall be accepted as an alternative to any of the methods of service specified in this section.

(4) A copy of each document filed in a proceeding pending before the office must be served by the filing party on all other parties in the case. In all cases where a party is represented by an attorney, such attorney will be recognized as fully controlling the case. Service of any document relating to the proceeding shall be made upon the attorney in addition to any other service specifically required by law or by order of the cabinet.

(5) Service shall be made upon the cabinet by serving the

commissioner of the Department of Law and shall be effective upon receipt by the Department of Law.

Section 6. Administrative Summons and Public Notice of Hearing.

(1) Upon receipt of an initiating document, the office shall promptly serve in accordance with Section 5 of this administrative regulation, a copy of the document upon all parties designated to be served along with an administrative summons notifying the responding party that an initiating document has been filed against him and unless a written defense is timely served, action adverse to his interests may be taken. If appropriate and at the direction of the hearing officer, the administrative summons may also designate that a prehearing conference or administrative hearing shall be held along with the date, time and place of the prehearing conference or administrative hearing. An administrative summons shall also include a statement of the legal authority for the hearing and reference to the statutes and regulations involved.

(2) For all administrative hearings initiated pursuant to 405 KAR 7:092, Section 5, notice of the scheduled hearing shall also be mailed to any intervenors, shall be posted at the department's appropriate regional office and, if practicable, shall be published in a newspaper of general circulation in the area of the surface coal mining and reclamation operations or coal exploration operations.

Section 7. Filing and Retention of Documents. (1) Filing of documents. A document is considered filed in the office when the document is received and stamped by the office.

(2) Retention of documents. All documents, books, records, papers, etc., received in evidence in a hearing or submitted for the record in a proceeding before the cabinet will be retained with the official record of the proceedings. The withdrawal of original documents may be permitted while the case is pending upon terms and conditions as may be directed by the hearing officer. When an order of the secretary has become final, the hearing officer in his discretion may, upon request and after notice to the other parties, authorize the withdrawal of original exhibits or any part by the authorized party. The substitution of true copies of exhibits or any part may be required by the hearing officer in his discretion as a condition of granting permission for withdrawal.

(3) Record address. A person who files a document for the record in connection with an administrative hearing before the office shall at the time of initial filing in the matter state his mailing address and telephone number. Thereafter, he shall promptly inform the office of a change in mailing address or telephone number, giving the file number relating to all matters in which he has made a filing. The successors of the person shall likewise promptly inform the office of their interest in the matters and state their addresses and telephone numbers. If a person fails to furnish a record address and telephone number as required, he will not be entitled to notice in connection with the proceedings.

(4) Transcripts. All administrative hearings will be recorded verbatim and transcripts thereof shall be made when requested by interested parties. Costs of transcripts shall be borne by the requesting parties. Fees for transcripts prepared from recordings by office employees will be at rates which cover the cost of manpower, machine use and materials. If the reporting is done pursuant to a contract between the reporter and the cabinet, costs of transcripts will be at rates established by the contract.

Section 8. Time. (1) Computation of time for the initiation of an administrative proceeding or the subsequent filing of a document shall be in accordance with KRS 446.030 and 400 KAR 1:030, Section 4.

(2) The time for filing or serving any document may be extended by a hearing officer except for the time for filing a petition for an administrative hearing under 405 KAR 7:092 or if an extension is contrary to law or regulation.

(3) A request for an extension of time shall be filed within the time allowed for filing or serving the document.

Section 9. Subpoenas. The office shall issue subpoenas requiring the attendance of witnesses or production of books, papers, docu-

ments, or tangible things designated therein, or both, at administrative hearings to be held before or at the taking of depositions to be held before other officers. Subpoenas shall be issued on a form approved by the office. A subpoena may be served by a person who is not a party and is not less than eighteen (18) years of age. The original subpoena bearing a certificate of service shall be filed with the office or the subpoena may be served by certified mail, return receipt requested. The return receipt if signed by the addressee or his authorized agent shall constitute proof of service of the subpoena.

Section 10. Location of Administrative Hearings and Penalty Assessment Conferences. (1) A penalty assessment conference shall be held in the department's regional office for the mine site, unless a closer location is approved by the conference officer.

(2) Administrative hearings shall be held at the location designated by the hearing officer unless a written request for a hearing at or close to the mine site is submitted with the petition or other initiating document or answer at the time the petition or other initiating document or answer is filed with the office. The department's regional office for the mine site shall be deemed reasonably close, unless a closer location is requested by a party to the case and agreed to by the hearing officer.

Section 11. Intervention and Consolidation. (1) Who may file. A person may petition in writing for leave to intervene at any stage of a proceeding under 405 KAR 7:092. A petitioner shall set forth a statement setting forth the interest of the petitioner and, if required, a showing of why the interest is or may be adversely affected.

(2) Criteria to intervene.

(a) The hearing officer shall grant intervention if the petitioner:

1. Had a statutory right to initiate the proceeding in which he wishes to intervene; or
2. Has an interest which is or may be adversely affected by the outcome of the proceeding.

(b) If the criteria set forth in paragraph (a) of this subsection does not apply, the hearing officer shall consider the following in determining whether intervention is appropriate:

1. The nature of the issues;
2. The adequacy of representation of petitioner's interest which is provided by the existing parties to the proceeding;
3. The ability of the petitioner to present relevant evidence and argument; and
4. The effect of intervention on the cabinet's implementation of its statutory mandate.

(3) Effect of ruling. A person granted leave to intervene in a proceeding may participate in the proceeding as a full party or, if desired, in a limited capacity. If an intervenor wishes to participate in a limited capacity, the extent and the terms of the participation shall be at the discretion of the hearing officer.

(4) Consolidation. When proceedings involving the same parties or a common question of law or fact are pending before the cabinet, the proceedings are subject to consolidation pursuant to a motion by a party or at the initiative of the hearing officer.

Section 12. Judicial Review, Effect, and Subsequent Proceedings.

(1) Judicial review. Judicial review may be taken from a final order of the secretary to the appropriate circuit court of competent jurisdiction in accordance with KRS 350.032 or 1992 Acts c. 304 as applicable.

(2) Effect of final order pending judicial review. The commencement of proceedings for judicial review of a final order of the secretary shall not operate as a stay of a final order, unless specifically ordered by the court of competent jurisdiction.

(3) Remands from courts. Whenever a matter is remanded from any court for further proceedings, and to the extent the court's directive and time limitations will permit, the parties shall be allowed an opportunity to submit to the appropriate hearing officer, a report recommending procedures to be followed in order to comply with the court's order. The hearing officer will review the reports and enter special orders governing the handling of matters remanded to it for further proceedings by any court.

Section 13. 405 KAR 7:090, Hearings, is hereby repealed.

PHILLIP J. SHEPHERD, Secretary

JUDITH A. VILLINES, Commissioner

APPROVED BY AGENCY: July 14, 1992

FILED WITH LRC: July 15, 1992 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 27, 1992, at 9 a.m. at Hudson Hollow Office Park, #2 Hudson Hollow, Frankfort, Kentucky in Room D-16. Persons interested in being heard at this hearing shall notify this agency in writing by August 21, 1992, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. To assure an accurate record, the cabinet requests that each person testifying at the hearing provide the cabinet with a written copy of his or her testimony. No transcript of recording will automatically be taken of the hearing unless a written request for a transcript of recording is made, in which case the person making the request shall have the responsibility of paying for same. Written comments on the proposed amendment may be submitted at any time before 4:30 p.m. on August 27, 1992. Comments received after that time will not be considered. Written notification of intent to be heard at the public hearing and written comments must be submitted to the following contact person: Judith A. Villines, Department of Law, Fifth Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact: Judith A. Villines

(1) Type and number of entities affected: This regulation establishes a comprehensive procedure for the conduct of all administrative hearings and conferences arising under KRS Chapter 350 by the Natural Resources and Environmental Protection Cabinet, hereinafter the "Cabinet." The regulation will directly pertain to any person interested in or adversely affected by a determination or enforcement action initiated by the Cabinet, hereinafter "affected entities". Thus, the regulation has a direct impact on all active and inactive surface mining permits of which there are approximately 3,800 and an indirect effect on all persons who have an interest in or may be adversely affected by the Cabinet's determination. Given the broad applicability of the regulation, it is impossible to provide an accurate figure of affected entities. It is useful to note, however, that there are approximately 1,622 active cases pending before the Cabinet, most of which will be heard under the new administrative hearing process.

(a) Direct and indirect costs or savings to those affected:

1. First year: As noted above, the regulation is a promulgation of a comprehensive procedure for the conduct of all administrative hearings and conferences arising under KRS Chapter 350 and deals principally with the duties of the administrative hearing officers and time limitations for the submission of reports and recommended orders. In addition, this regulation prescribes standards of conduct for the parties to an administrative action and provides for the proper service of administrative documents. The regulation is principally procedural in nature and the costs incurred by the affected entities should remain approximately the same as any costs presently being expended under 405 KAR 7:090, which will be repealed under this regulation. It is anticipated that the affected entities will not sustain any increased costs resulting from this regulation. Consequently, any additional fiscal impact resulting from this regulation should be nominal.

2. Continuing costs or savings: As noted above, the nature of this procedural regulation is such that there should not be any additional costs or savings sustained by the affected entities.

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: There are not any reporting requirements as such, other than the routine filing of administrative documents with the Office of Administrative Hearings.

(2) Effects on the promulgating administrative body:

**NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION CABINET**
Department for Surface Mining
Reclamation and Enforcement

- (a) Direct and indirect costs or savings:
1. First year: Since as noted above this regulation is principally procedural in nature, the cabinet will not incur any additional costs or savings from this regulation.
2. Continuing costs or savings: None.
3. Additional factors increasing or decreasing costs: None.
(b) Reporting and paperwork requirements: None.
(3) Assessment of anticipated effect on state and local revenues: None.
(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were considered.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping or duplication: None.
(a) Necessity of proposed regulation if in conflict: Not applicable.
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.
(6) Any additional information or comments: None.
TIERING: Was tiering applied? No. Tiering is not applicable to this proposed amendment because, under the federal and Kentucky surface mining laws and regulations, these requirements must apply equally to all entities.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 30 USC 1253, 1255; 30 CFR Parts 724, 730, 731, 732, 733, 735, 917.
2. State compliance standards. This administrative regulation sets forth a comprehensive procedure for the conduct of all administrative hearings and conferences arising under KRS Chapter 350 and sets forth in detail the duties and responsibilities of the administrative hearing officer as well as time limitations for the submission of reports and recommended orders to the Secretary. In addition this administrative regulation sets forth the requirements for service of any document served in any administrative proceeding; prescribes standards of conduct for all parties participating in an administrative hearing and establishes basic procedures for the filing and retention of documents by the Office of Administrative Hearings. As noted in Section 1, with certain exceptions, this administrative regulation will apply to all administrative hearings and conferences arising under KRS Chapter 350, including those cases pending at the time this administrative regulation is filed.
3. Minimum or uniform standards contained in the federal mandate. The federal Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 USC 1201 et seq. establishes the basis whereby state and federal authorities regulate surface mining. Title 5 of SMCRA contains the provisions whereby persons aggrieved by an action of the regulatory authority may challenge that action through an adjudicative process. Kentucky's implementation of these federal provisions will be achieved under this regulation. The controlling standard is that the state enforcement program "primacy" must be as effective as the federal surface mining program, 30 USC 1253, 1255. This federal mandate, however, does not prescribe specific procedural standards other than it requires that a process be in place by which persons having an interest that may be adversely affected may be heard at any significant part of the administrative and judicial process, as well as a process for the proper administration of such cases. The scheduling and conduct of hearings will be handled by the Office of Administrative Hearings. SMCRA also requires the regulatory authority to promulgate regulations by which the Cabinet will conduct its hearings and investigations of any matter relating to the regulation of surface coal mining and reclamation operations, as well as the imposition of civil penalties and the prepayment of such penalties prior to an administrative hearing being held.
4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No. This regulation complies with the federal requirement that the state have a process in place for the administrative resolution of contested determinations.
5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Not applicable.

405 KAR 7:092. Administrative hearings and assessment conferences.

RELATES TO: KRS 350.028, 350.070, 350.090, 350.093, 350.130, 350.255, 350.465, 350.990, 1992 Acts c. 304, 30 CFR Parts 730, 731, 732, 733, 735, 917, 30 USC 1253, 1255

STATUTORY AUTHORITY: KRS Chapter 13A, 350.020, 350.028, 350.255, 350.465, 350.610, 1992 Acts c. 304, 30 CFR Parts 730, 731, 732, 733, 735, 917, 30 USC 1253, 1255

NECESSITY AND FUNCTION: KRS Chapter 350 in pertinent part requires the cabinet to promulgate rules and regulations pertaining to surface coal mining and reclamation operations and coal exploration operations. This administrative regulation sets forth hearing, conference, notice, penalty assessment and other procedural and due process provisions for the permanent regulatory program. This administrative regulation and 405 KAR 7:091 contain the substance of 405 KAR 7:090 which has been repealed.

Section 1. Applicability. This administrative regulation shall govern the conduct by the cabinet of all administrative hearings and conferences arising under KRS Chapter 350, including those pending at the time this administrative regulation becomes effective, and for public participation, pertaining to the review of determinations on permits for surface coal mining and reclamation operations and coal exploration operations, including issuance, denial, suspension, revocation, modification, and compliance with the terms of any permit; notices of noncompliance and orders for remedial measures; orders for cessation and immediate compliance issued pursuant to KRS 350.130(1) or (4); determinations of performance bond amount, duration, release, and forfeiture; administrative hearings arising under KRS 224.10-410 on orders to abate or alleviate issued to surface coal mining and reclamation operations; and all other matters including participation in administrative hearings by any person adversely affected by a determination of the cabinet which in the discretion of the cabinet are appropriate for adjudication and determination by the cabinet and arise by virtue of an order or determination of the cabinet pursuant to the permanent regulatory program for surface coal mining and reclamation operations and coal exploration operations as set forth in KRS Chapter 350 and 405 KAR Chapters 7 through 24, except that the provisions pertaining to the payment of proposed assessments into an escrow account as set forth in Sections 3 and 6 of this administrative regulation and the waiver of payments as provided in Section 15 of this administrative regulation shall only be applicable to those notices of noncompliance and orders for remedial measures or orders for cessation and immediate compliance issued on or subsequent to the effective date of this administrative regulation. If requests for formal hearings have been timely filed at the time this administrative regulation takes effect, cases shall not be dismissed for the reason that they do not conform to the new procedural requirements of this administrative regulation for filing administrative complaints and answers.

Section 2. Construction. This administrative regulation shall be construed to achieve just, timely and inexpensive determinations of all questions appropriate for determination pursuant to Section 1 of this administrative regulation.

Section 3. Proposed Penalty Assessment and Request for Assessment Conference and Administrative Hearing. (1) Notification. The cabinet shall notify a person issued a notice of noncompliance and order for remedial measures or an order for cessation and immediate compliance in writing of its proposed penalty assessment. The proposed assessment shall be made by authorized personnel of the department.

(2) Criteria. In determining the amount of the penalty, consideration shall be given to the permittee's or operator's history of previous

violations at the particular surface coal mining and reclamation operation; the seriousness of the violation, including any irreparable harm to the environment and any hazard to the health or safety of the public; whether the permittee, operator, or person was negligent; and the demonstrated good faith of the permittee, operator, or person in attempting to achieve rapid compliance after notification of the violation, except that good faith consideration shall not be applicable to any violation determined not to be correctable. If a violation has been cited against a person conducting coal exploration operations consideration shall be given to the above factors as applicable in determining the amount of the penalty.

(3) Service.

(a) Method; time. The notice of proposed penalty assessment shall be served under 405 KAR 7:091, Section 5, together with copies of applicable worksheets, to the person to whom the notice or order was issued within fifteen (15) working days after issuance of the final notice of inspection of noncompliance or final notice of inspection of cessation order.

(b) Failure to timely serve; substantial prejudice. Failure to serve the proposed assessment within fifteen (15) working days after issuance of the final notice of inspection of noncompliance or final notice of inspection of cessation order shall not be grounds for dismissal of all or part of the assessment unless the person against whom the proposed penalty has been assessed proves actual and substantial prejudice as a result of the delay and makes a timely written objection to the delay. An objection shall be timely only if made on or before the last date to request an assessment conference under subsection (4)(b) of this section.

(4) Options of person issued notice of proposed assessment. (a) Waiver; final order to enter. The person issued the notice of proposed penalty assessment may choose not to contest the assessment and a final order of the secretary shall be entered finding that:

1. The person to whom the notice or order was issued has waived all rights to an administrative hearing on the amount of the proposed assessment; and

2. The fact of the violation is deemed admitted; and

3. The proposed penalty is due and payable within thirty (30) days after the entry of the final order. If a petition requesting an administrative hearing as to the fact of the violation has been timely filed pursuant to Section 7 of this administrative regulation, the finding in subparagraph 2 of this paragraph shall be omitted and the proposed penalty assessment shall be due and payable within thirty (30) days of the mailing of a final order affirming the fact of the violation.

(b) Assessment conference. Within thirty (30) days of service of the notice of proposed assessment or if the document is returned undeliverable, unclaimed or refused, thirty (30) days from the date of the return, the person to whom the notice of proposed penalty assessment was sent may request review of the penalty assessment by requesting in writing an assessment conference pursuant to Section 4 of this administrative regulation in which case payment of the proposed assessment into the cabinet's escrow account shall not be required; or

(c) Petition for administrative hearing. The person to whom a notice of noncompliance and order for remedial measures or an order for cessation and immediate compliance was issued may contest the proposed penalty assessment or the fact of the violation or both by submitting a petition for an administrative hearing in accordance with Section 6 of this administrative regulation. If an assessment conference has been held pursuant to Section 4 of this administrative regulation, the person may contest the amount assessed in the conference officer's report or the fact of the violation or both by submitting a petition for an administrative hearing in accordance with Section 6 of this administrative regulation. The fact of the violation may not be contested if it has been adjudicated by a final order of the secretary pursuant to an administrative hearing commenced under Section 7 of this administrative regulation. Nothing in this paragraph shall be construed as infringing upon any person's right to contest the fact of the violation without having to pay the proposed assessment into the cabinet's escrow account if such petition was timely filed in accordance with Section 7 of this administrative regulation.

Section 4. Procedures for Assessment Conference. (1) In general.

(a) Time for filing. Following issuance by the cabinet of a notice of proposed penalty assessment, the person to whom the notice was sent may request an assessment conference on the proposed penalty assessment. The request for an assessment conference shall be filed with the office within thirty (30) days of the date of receipt of the proposed penalty assessment or, if the document is returned undeliverable, unclaimed, or refused, thirty (30) days from the date of return.

(b) Waiver; final order to enter. Failure to timely request an assessment conference shall constitute a waiver of the right to a conference. If a petition for review of the proposed penalty assessment has not been timely filed under Section 6 of this administrative regulation a final order shall be entered in conformity with Section 6(1)(c) of this administrative regulation.

(c) Date of conference; failure to timely schedule; substantial prejudice. If an assessment conference is requested, it shall be scheduled for a date no later than sixty (60) days after the cabinet's receipt of the request. Failure by the cabinet to timely schedule an assessment conference shall not be grounds for dismissal of all or part of an assessment unless the person against whom the proposed penalty has been assessed makes a timely objection on or before the date of the assessment conference and proves actual and substantial prejudice as a result of the delay. The scheduling of the assessment conference shall not operate as a stay of any notice or order.

(2) Service; public participation. Notice of the assessment conference shall be served under 405 KAR 7:091, Section 5 and a copy of the notice shall also be sent to any person who filed a report which led to the issuance of the notice or order being contested. The cabinet shall post notice of the assessment conference at the department's appropriate regional office at least five (5) days before the conference. Any person shall have the right to attend and participate in the assessment conference.

(3) Conference officer; requirements for administrative hearings not applicable. The office shall assign a conference officer to hold the assessment conference. The assessment conference shall not be governed by the requirements for administrative hearings or by the provisions of 400 KAR 1:040. (4) Report of conference officer. The conference officer shall consider all relevant information pertaining to the proposed assessment. Within thirty (30) days after the conference is held, the conference officer shall issue a report recommending to the secretary to either affirm, raise, lower, or dismiss the proposed penalty assessment.

(5) Service of report; documentation. The conference officer's report shall be promptly served by mail, postage prepaid, and shall include a worksheet if the penalty has been raised or lowered. The reasons underlying the conference officer's report shall be fully documented.

(6) Agreed order.

(a) Waiver of further review. If an agreed order is entered into, the person assessed shall be deemed to have waived all rights to further review of the fact of the violation and penalty in question. The agreed order shall contain a clause that any petition for review of the fact of the violation filed in accordance with Section 7 of this administrative regulation shall be deemed withdrawn.

(b) Enforcement of agreed order. If full payment of the amount specified in the agreed order is not received by the cabinet within thirty (30) days after the date of the secretary's signature, the cabinet may take necessary steps to enforce the agreed order.

(7) Failure to attend; report to issue. If the person requesting an assessment conference fails to attend the scheduled conference, the assessment officer shall within thirty (30) days of the date of the scheduled conference issue a report to the secretary recommending that the proposed penalty assessment be affirmed.

(8) Statements not to be introduced at administrative hearings. In any administrative hearing commenced under Sections 6 or 7 of this administrative regulation no evidence as to statements made by one (1) party at a conference shall be introduced by another party as evidence or to impeach a witness.

(9) Administrative hearing; who may request. Any person issued a proposed penalty assessment may request under Section 6 of this

administrative regulation an administrative hearing to contest the conference officer's recommended penalty. The cabinet may request under Section 5 of this administrative regulation an administrative hearing to contest the conference officer's recommended penalty.

(10) Failure to timely request; order to enter. If a request for an administrative hearing is not filed with the office within thirty (30) days of mailing of the conference officer's report, an order of the secretary shall be entered and mailed containing the following:

(a) That the person to whom the notice or order was issued has waived all rights to an administrative hearing on the amount of the proposed assessment;

(b) That the fact of the violation is deemed admitted; and

(c) That the penalty assessment contained in the conference officer's report is deemed accepted and is due and payable to the cabinet within thirty (30) days after the entry of the final order. If a petition requesting a hearing as to the fact of the violation has been timely filed pursuant to Section 7 of this administrative regulation, the finding set forth in paragraph (b) of this subsection shall be omitted and the penalty assessment contained in the conference officer's report shall be due and payable within thirty (30) days of the mailing of the final order affirming the fact of a violation.

Section 5. Administrative Hearings Initiated by the Cabinet. (1) Criteria for filing.

(a) The cabinet may initiate an administrative hearing and may seek revocation of the permit and forfeiture of the bond or suspension of the permit whenever:

1. It has reason to believe that a violation of KRS Chapter 350; 405 KAR Chapters 7 through 24; or a permit condition has occurred or is occurring; or

2. A permittee, operator, or person has failed to pay a civil penalty assessed in a final order of the cabinet or to undertake remedial measures mandated by an order of the cabinet or to abate violations it was determined to have committed by a final order of the cabinet; or

3. The provisions of KRS 350.990(9) apply; or

4. The cabinet has reason to believe additional remedies should be sought or an order should be entered against any person to protect the environment or the health and safety of the public; or

5. The criteria of 405 KAR 10:050, Section 3(2) or (3) apply.

(b) The cabinet may initiate an administrative hearing to contest a conference officer's recommended penalty and seek any combination of the relief set forth in subsection (2) of this section, in which case prepayment of the proposed penalty assessment is not required.

(c) The cabinet shall initiate an administrative hearing and shall seek revocation of the permit and forfeiture of the bond or suspension of the permit whenever:

1. The permittee, operator, or person has willfully failed to comply with an order for cessation and immediate compliance; or

2. The criteria of 405 KAR 10:050, Section 3(1) apply.

(2) Remedies. In an administrative hearing initiated by the cabinet, the cabinet may seek a combination of the following:

(a) Permit suspension or revocation;

(b) Bond forfeiture;

(c) Civil penalties;

(d) A determination, pursuant to KRS 350.060, 350.085, and 350.130, that a person or persons shall not be eligible to receive another permit or conduct future operations;

(e) A determination, pursuant to KRS 350.990(9), that any director, officer, or agent of a corporation willfully and knowingly authorized, ordered, or carried out a violation or failed or refused to comply with any final order; or

(f) Any other relief to which it may be entitled by KRS Chapter 350.

(3) Procedures for administrative hearings initiated by the cabinet.

(a) Filing of administrative complaint. Contents. The cabinet shall initiate an administrative hearing by filing an administrative complaint with the office incorporating the following for each claim for relief:

1. A statement of facts entitling the cabinet to administrative relief;

2. A request for specific relief; and

3. A copy of any notice or order upon which relief is sought.

(b) Answer or responsive pleading. The person named in an administrative complaint shall file with the office an answer or responsive pleading within thirty (30) days of service of the administrative complaint which shall contain:

1. A statement specifically admitting or denying the alleged facts stated in the administrative complaint or amended administrative complaint; and

2. Any defenses to each claim for relief.

(c) Amendments. An administrative complaint may be amended once as a matter of right prior to the filing of an answer and thereafter by leave of the hearing officer upon proper motion. The person named in the administrative complaint shall have ten (10) days from the filing of an administrative complaint amended as a matter of right or the time remaining for filing an answer to the original complaint, whichever is longer, to file an answer or responsive pleading. If the hearing officer grants a motion to amend the administrative complaint, the time for an answer to be filed shall be set forth in the order granting the motion.

(4) Burden of proof. If the cabinet initiates an administrative hearing, the cabinet shall have the ultimate burden of persuasion. The responding party shall have the burden of persuasion to establish an affirmative defense. A responding party claiming an exemption shall have the burden of persuasion to establish qualification for the exemption.

(5) Default.

(a) In a proceeding where the person against whom the administrative complaint is filed fails to timely comply with a prehearing order of a hearing officer, the hearing officer shall issue an order to show cause why the person should not be deemed to have waived his right to an administrative hearing and why a report and recommended order adverse to the person shall not be referred to the secretary.

(b) If the order to show cause is not satisfied as required, the hearing officer shall recommend to the secretary the entry of a final order in conformity with the relief requested by the cabinet in its administrative complaint.

(c) If the person against whom the administrative complaint is filed fails to appear at an administrative hearing, the person shall be deemed to have waived his right to a hearing and the hearing officer shall recommend to the secretary the entry of a final order in conformity with the relief requested by the cabinet in its administrative complaint.

Section 6. Administrative Hearing for Review of Proposed Assessment. (1) Filing petition; waiver. Any person issued a proposed penalty assessment may file with the office a petition for an administrative hearing to review the penalty.

(a) A petition for review of a proposed penalty assessment shall be filed in the office within thirty (30) days of service of the proposed assessment, or if the notice of proposed penalty assessment is returned undeliverable, unclaimed or refused, within thirty (30) days of the date of return; or

(b) If a timely request for an assessment conference has been made pursuant to Section 4 of this administrative regulation, a petition for review must be filed in the office within thirty (30) days from mailing of the conference officer's report.

(c) An extension of time shall not be granted for filing a petition for review of a proposed penalty assessment as required by this section. If a petition for review is not timely filed, the petition, if any, shall be dismissed and a final order shall be entered which contains the following:

1. That the person to whom the notice of order was issued has waived all rights to an administrative hearing on the amount of the proposed assessment or the assessment as amended by the conference officer;

2. The fact of the violation is deemed admitted; and

3. The proposed penalty assessment, or the assessment as amended by the conference officer is deemed admitted and shall be due and payable to the cabinet within thirty (30) days after the entry of the final order. If a petition requesting an administrative hearing on the fact of the violation has been timely filed under Section 7 of this administrative regulation, the finding set forth in subparagraph 2 of

this paragraph shall be omitted and the penalty assessment shall be due and payable within thirty (30) days after the entry of a final order affirming the fact of the violation.

(2) Contents of petition; payment required.

(a) The petition shall include:

1. A short and plain statement indicating the reasons why either the amount of the penalty or the fact of the violation or both is being contested;

2. If the amount of penalty is being contested based upon a misapplication of the penalty formula, a statement indicating how the penalty formula contained in 405 KAR 7:095 was misapplied, along with a proposed penalty utilizing the penalty formula;

3. Identification by reference to the noncompliance or cessation order number of all violations being contested; and

4. The identifying number of the cashier's check, certified check, bank draft, or bank money order accompanying the petition.

(b) The petition shall be accompanied by full payment of the proposed penalty assessment, or the assessment as amended by the conference officer, in the form of a cashier's check, certified check, bank draft, or bank money order made payable to the Kentucky State Treasurer to be placed in an escrow account pending final determination of the assessment; and, on the face of the payment an identification, by reference to the noncompliance or cessation order identification number, of the violations for which payment is being tendered.

(c) An extension of time shall not be granted for full payment of the proposed assessment. If payment is not timely made, the petition shall be dismissed, and a final order shall be entered in conformity with subsection (1)(c) of this section.

(3) Answer or responsive pleading. The cabinet shall have thirty (30) days from service of a copy of the petition to file an answer or responsive pleading with the office. An answer shall contain a statement specifically admitting or denying the alleged errors stated in the petition and setting forth other matters to be considered on review.

(4) Amended petition. A petition may be amended once as a matter of right prior to the filing of an answer and thereafter by leave of the hearing officer upon proper motion. The cabinet shall have ten (10) days from the filing of a petition amended as a matter of right or the time remaining for filing an answer to the original petition, whichever is longer, to file an answer or responsive pleading. If the hearing officer grants a motion to amend a petition, the time for an answer to be filed shall be set forth in the order granting the motion.

(5) Notice of hearing. The parties and interested persons shall be given written notice of the time and place of the hearing at least twenty-one (21) days prior to the hearing unless the twenty-one (21) day period is waived in writing.

(6) Burden of proof. In administrative hearings under this section, the cabinet shall have the burden of going forward to establish a prima facie case as to the fact of the violation and the amount of the assessment and the ultimate burden of persuasion as to the amount of the assessment. The person who petitioned for review shall have the ultimate burden of persuasion as to the fact of the violation.

(7) Default.

(a) In a proposed penalty assessment proceeding if the person against whom the proposed penalty is assessed fails to timely comply with a prehearing order of a hearing officer, the hearing officer shall issue an order to show cause why the person should not be deemed to have waived his right to an administrative hearing and why the petition should not be dismissed.

(b) If the order to show cause is not satisfied as required, the hearing officer shall recommend to the secretary the entry of a final order in conformity with subsection 1(c) of this section.

(c) If the person against whom the proposed penalty is assessed fails to appear at a hearing, the person shall be deemed to have waived his right to a hearing and the hearing officer shall recommend to the secretary the entry of a final order in conformity with subsection 1(c) of this section.

(8) Hearing officer's report; contents. If an administrative hearing is conducted, the hearing officer shall incorporate in his report and recommended order concerning a civil penalty, findings of fact on each of the four (4), criteria set forth in 405 KAR 7:095, Section 3,

and conclusions of law.

Section 7. Administrative Review of Notices of Noncompliance and Orders for Remedial Measures and Orders for Cessation and Immediate Compliance. (1) Who may file. A person issued a notice of noncompliance and order for remedial measures or an order for cessation and immediate compliance by the cabinet pursuant to the provisions of KRS Chapter 350 or administrative regulations or a person having an interest which is or may be adversely affected by such a notice or order may file a petition for review with the office.

(2) Time for filing.

(a) A person filing a petition for review under this section shall file in the office a petition within thirty (30) days of the receipt of a notice or order or within thirty (30) days of receipt of notice of modification, vacation, or termination of the notice or order or if any of the foregoing documents is returned as undeliverable, unclaimed or refused within thirty (30) days of the date of the return.

(b) An extension of time shall not be granted for filing a petition for review. If a petition for review is not timely filed, the petition shall be dismissed.

(c) Failure to file a petition for review of a notice of noncompliance and order for remedial measures or order for cessation and immediate compliance under this section shall not preclude challenging the fact of violation at an administrative hearing requested under Section 6 of this administrative regulation.

(3) Contents of petition. A person filing a petition for review shall incorporate in the petition regarding each claim for relief the following:

(a) A statement of facts entitling that person to administrative relief;

(b) A request for specific relief;

(c) A copy of the notice or order sought to be reviewed;

(d) A statement as to whether the person waives the opportunity for an evidentiary hearing; and

(e) Other relevant information.

(4) Answer or responsive pleading. The cabinet and interested parties shall have thirty (30) days from service of a copy of the petition within which to file an answer or other responsive pleading. The answer shall contain a statement specifically admitting or denying the alleged facts stated by the petitioner and setting forth other matters to be considered on review.

(5) Amended petition. A petition may be amended once as a matter of right prior to the filing of an answer and thereafter by leave of the hearing officer upon proper motion. The cabinet and other interested parties shall have ten (10) days from the filing of a petition amended as a matter of right or the time remaining for filing an answer to the original petition, whichever is longer, to file an answer or responsive pleading. If the hearing officer grants a motion to amend a petition, the time for an answer to be filed shall be set forth in the order granting the motion.

(6) A petitioner shall file a copy of any subsequent notice or order which modifies, vacates, or terminates the notice or order sought to be reviewed and shall file a copy of any subsequent order for cessation and immediate compliance for failure to timely abate the violation which is the subject to the notice sought to be reviewed within ten (10) days of receipt of the notice or order. If a petitioner desires to challenge a subsequent notice or order, the petitioner must file a separate petition for review. Petitions for review of related notices or orders are subject to consolidation.

(7) Notice of hearing. The parties and interested persons shall be given written notice of the time and place of the hearing at least twenty-one (21) days prior to the hearing, unless the twenty-one (21) day period is waived in writing.

(8) Default.

(a) If the petitioner fails to timely comply with a prehearing order of a hearing officer, the hearing officer shall issue an order to show cause why the person should not be deemed to have waived his right to an administrative hearing and why the petition should not be dismissed.

(b) If the order to show cause is not satisfied as required, the hearing officer shall recommend to the secretary the entry of a final order affirming the notice or order and dismissing the petition.

(c) If the person requesting the administrative hearing fails to appear at a hearing, the person shall be deemed to have waived his right to an administrative hearing and the hearing officer shall recommend to the secretary the entry of a final order affirming the notice or order and dismissing the petition.

(9) Burden of proof. In review of notices of noncompliance and orders for remedial measures or orders for cessation and immediate compliance or the modification, vacation, or termination thereof under this section, the cabinet shall have the burden of going forward to establish a prima facie case as to the propriety of the notice, order, or modification, vacation, or termination thereof. The ultimate burden of persuasion shall rest with the petitioner.

Section 8. Request for Review of Permit Determinations. (1) Who may file. The permit applicant, permittee, or person having an interest which is or may be adversely affected by a permit determination of the cabinet may file a petition for review of the following:

(a) Applications for new permits;

(b) Applications for permit revisions and amendments, permit renewals, and the transfer, assignment, or sale of rights granted under permit;

(c) Permit revisions and amendments ordered by the cabinet, except challenges of permit revisions ordered as a remedial measure in a notice of noncompliance shall be reviewed in an administrative hearing pursuant to Section 6 or 7 of this administrative regulation; and

(d) Applications for coal exploration permits.

(2) Time to file; waiver. A petition for review shall be filed with the office within thirty (30) days from the date the person has actual notice of the determination or could reasonably have had notice. Failure to timely file a petition for review shall constitute a waiver of an administrative hearing and the petition shall be dismissed.

(3) Contents of the petition. The petition for review shall include:

(a) A clear statement of the facts entitling the one requesting review to administrative relief;

(b) An explanation of each specific alleged error in the cabinet's decision, including reference to the statutory and regulatory provisions allegedly violated;

(c) A request for specific relief;

(d) A statement whether the person requests or waives the opportunity for an evidentiary hearing; and

(e) Other relevant information.

(4) Answer or responsive pleading. The cabinet and interested parties shall file an answer or responsive pleading within thirty (30) days of service of the petition. An answer shall contain a statement specifically admitting or denying facts or alleged errors stated in the petition and setting forth other matters to be considered on review.

(5) Amended petition. A petition may be amended once as a matter of right prior to the filing of an answer and thereafter by leave of the hearing officer upon proper motion. An interested party shall have ten (10) days from the filing of a petition amended as a matter of right or the time remaining for filing an answer to the original petition, whichever is longer, to file an answer or responsive pleading. If the hearing officer grants a motion to amend a petition, the time for an answer to be filed shall be set forth in the order granting the motion.

(6) Notice of hearing. The parties and interested persons shall be given written notice of the time and place of the administrative hearing at least twenty-one (21) days prior to the hearing unless the twenty-one (21) day period is waived in writing.

(7) Effect of filing. The filing of a petition for review shall not stay the effectiveness of the cabinet's determination pending completion of administrative review.

(8) Default.

(a) If the petitioner fails to timely comply with a prehearing order of a hearing officer, the hearing officer shall issue an order to show cause why the person should not be deemed to have waived his right to an administrative hearing and why the petition should not be dismissed.

(b) If the order to show cause is not satisfied as required, the hearing officer shall recommend to the secretary the entry of a final

order finding that the petitioner has waived his right to an administrative hearing and dismissing the petition.

(c) If the person requesting the administrative hearing fails to appear at a hearing, the hearing officer shall recommend to the secretary the entry of a final order finding that the petitioner has waived his right to an administrative hearing and dismissing the petition.

(9) Burden of proof.

(a) In a proceeding to review a decision on an application for a new permit:

1. If the permit applicant is seeking review, he shall have the burden of going forward to establish a prima facie case and the ultimate burden of persuasion that the permit application complies with the requirements of KRS Chapter 350 and administrative regulations or that the permit terms or conditions are improper.

2. If a person other than the permit applicant is seeking review, the person shall have the burden of going forward to establish a prima facie case and the ultimate burden of persuasion that the permit application fails to comply with the requirements of KRS Chapter 350 or the administrative regulations, or that the cabinet should have imposed certain terms or conditions on the permit that were not imposed.

(b) In a proceeding to review the approval or disapproval of an application for a permit renewal, those parties opposing renewal shall have the burden of going forward to establish a prima facie case and the ultimate burden of persuasion that the renewal application should be disapproved or that the cabinet should have imposed certain terms or conditions on the renewal permit that were not imposed.

(c) In a proceeding to review the approval or disapproval of an application for a permit revision or amendment, or an application for the transfer, assignment, or sale of rights granted under permit:

1. If the permit applicant is seeking review, he shall have the burden of going forward to establish a prima facie case and the ultimate burden of persuasion that the permit application complies with the requirements of KRS Chapter 350 and administrative regulations; and

2. If a person other than the permit applicant is seeking review, the person shall have the burden of going forward to establish a prima facie case and the ultimate burden of persuasion that the application fails to comply with the requirements of KRS Chapter 350 or the administrative regulations.

(d) In a proceeding to review a permit revision or amendment ordered by the cabinet, the cabinet shall have the burden of going forward to establish a prima facie case that the permit should be revised or amended and the permittee shall have the ultimate burden of persuasion that the revision or amendment is not appropriate.

(e) In a proceeding to review a decision on an application for a coal exploration permit:

1. If the permit applicant is seeking review, he shall have the burden of going forward to establish a prima facie case and the ultimate burden of persuasion that the permit application complies with the requirements of KRS Chapter 350 and administrative regulations.

2. If a person other than the permit applicant is seeking review, the person shall have the burden of going forward to establish a prima facie case and the ultimate burden of persuasion that the application fails to comply with the requirements of KRS Chapter 350 or the administrative regulations.

Section 9. Review of Cabinet Determinations. (1) Who may file. A person who considers himself aggrieved by a determination of the cabinet for which an administrative hearing is not specifically provided in any other section of this administrative regulation may file a petition for review of the determination pursuant to this section.

(2) The petition for review shall be filed with the office within thirty (30) days after the petitioner has had actual notice of the determination complained of, or could reasonably have had notice. Failure to timely file a petition for review shall constitute a waiver of an administrative hearing and the petition shall be dismissed.

(3) Contents of petition. The petition for review shall contain:

(a) A statement of the facts entitling the one requesting review to

administrative relief;

(b) An explanation of each specific alleged error in the cabinet's determination;

(c) A request for specific relief; and

(d) Other relevant information.

(4) Answer or responsive pleading. The cabinet and interested parties shall file an answer or other responsive pleading within thirty (30) days of receipt of the petition specifically admitting or denying facts or alleged errors stated in the petition and setting forth any other matters to be considered on review.

(5) Amended petition. A petition may be amended once as a matter of right prior to the filing of an answer and thereafter by leave of the hearing officer upon proper motion. The cabinet and interested parties shall have ten (10) days from the filing of a petition amended as a matter of right or the time remaining for filing an answer to the original petition, whichever is longer, to file an answer. If the hearing officer grants a motion to amend a petition, the time for an answer to be filed shall be set forth in the order granting the motion.

(6) Notice of hearing. The parties and interested persons shall be given written notice of the time and place of the administrative hearing at least twenty-one (21) days prior to the hearing unless the twenty-one (21) days period is waived in writing.

(7) Effect of filing. The filing of a petition for review shall not stay the effectiveness of the cabinet's determination pending completion of administrative review.

(8) Default.

(a) If the petitioner fails to timely comply with a prehearing order of a hearing officer, the hearing officer shall issue an order to show cause why that person should not be deemed to have waived his right to an administrative hearing and why his petition should not be dismissed.

(b) If the order to show cause is not satisfied as required, the hearing officer shall recommend to the secretary the entry of a final order finding that the petitioner has waived his right to an administrative hearing and dismissing the petition.

(c) If the person requesting the administrative hearing fails to appear at a hearing, the person shall be deemed to have waived his right to a hearing and the hearing officer shall recommend to the secretary the entry of a final order finding that he has waived his right to an administrative hearing and dismissing the petition.

(9) Burden of proof. The petitioner shall have the burden of going forward to establish a prima facie case and the ultimate burden of persuasion as to the requested relief.

Section 10. Proceedings for Suspension or Revocation of Permits Because of Pattern of Violations. (1) Initiation of proceedings.

(a) A proceeding on a show cause order issued by the cabinet pursuant to KRS 350.028(4), 350.465(3)(f) and 405 KAR 12:020, Section 8, shall be initiated by the filing of a copy of the show cause order by the cabinet with the office at the same time the order is issued to the permittee.

(b) A show cause order shall set forth:

1. A list of the unwarranted or willful violations which contribute to a pattern of violations;

2. A copy of each order or notice which contains the violations listed as contributing to a pattern of violations;

3. The basis for determining the existence of a pattern of violations; and

4. Recommendations whether the permit should be suspended or revoked, including the length and terms of a suspension.

(2) Answer. The permittee shall have thirty (30) days from service of the show cause order within which to file an answer with the office which shall state:

(a) The reasons in detail why a pattern of violations, as described in 405 KAR 12:020, Section 8, does not exist or has not existed including all reasons for contesting:

1. The fact of the violations alleged by the cabinet as constituting a pattern of violations;

2. The willfulness of the violations; or

3. Whether the violations were caused by the unwarranted failure of the permittee;

(b) Mitigating factors the permittee believes exist in determining the terms of the revocation or the length and terms of the suspension;

(c) Other alleged relevant facts; and

(d) Whether an evidentiary hearing on the show cause order is desired.

(3) Burden of proof. In a show cause proceeding, the cabinet shall have the burden of going forward to establish a prima facie case for suspension or revocation of the permit. The ultimate burden of persuasion that the permit should not be suspended or revoked shall rest with the permittee.

(4) Determination by the hearing officer.

(a) Upon a determination by the hearing officer pursuant to 405 KAR 12:020, Section 8, that a pattern of violations exists or has existed, the hearing officer shall recommend the permit either be suspended or revoked and the permittee directed to complete necessary remedial measures and reclamation operations. In making such a recommendation, the hearing officer need not find that all the violations listed in the show cause order occurred, but only that sufficient violations occurred to establish a pattern.

(b) If the permit is suspended, the hearing officer may recommend preconditions to be satisfied prior to the suspension being lifted.

(5) Default. If the permittee fails to timely file an answer or appear at the administrative hearing, the permittee shall be deemed to have waived his right to an administrative hearing and the hearing officer shall recommend to the secretary the entry of a final order containing the following:

(a) That each violation listed in the show cause order occurred;

(b) That the violations were caused by the permittee's unwarranted failure or were willfully caused;

(c) That a pattern of violations exists;

(d) That the permit shall be suspended or revoked in accordance with the recommendation contained in the show cause order.

Section 11. Procedures for Abate or Alleviate Orders. (1) In general. If pursuant to KRS 224.10-410, the secretary issues an order to abate or alleviate to a surface coal mining and reclamation operation, the cabinet shall provide the person to whom the order was issued an opportunity to be heard. The holding of an administrative hearing pursuant to this section shall not operate to terminate or stay the order or the affirmative obligations imposed on a person by the order, unless the hearing officer shall find on the record that the obligations have been met or that the order was improper or inappropriate.

(2) Notice.

(a) Upon issuance of an order to abate or alleviate under the provisions of KRS 224.10-410, the secretary shall file with the office a copy of the order.

(b) Upon filing an order to abate or alleviate, the office shall issue an administrative summons pursuant to 405 KAR 7:091, Section 6, and shall set the time and place for an administrative hearing to be held not less than ten (10) days from the date the order to abate or alleviate was signed by the secretary.

(3) Response.

(a) The person named in the order to abate or alleviate shall prior to or at the hearing file a response to the order specifically admitting or denying facts alleged in the order, setting forth other matters to be considered on review, and setting forth evidence, if any, that the condition or activity does not violate the provisions of KRS 224.10-410.

(b) In lieu of a response, the person named in the order to abate or alleviate may contact the office in writing or by other means and state that an administrative hearing is not needed, and that he does not desire to contest the order.

(4) Hearing procedure. The administrative hearing shall be held in accordance with 405 KAR 7:091, Section 3. In addition the hearing officer may require the parties to submit proposed findings of fact and conclusions of law to be considered at the hearing which may be orally supplemented on the record at the hearing, or if written proposed findings of fact and conclusions of law have not been submitted at the hearing, they may be orally presented for the record at the administrative hearing.

(5) Burden of proof. The cabinet shall have the burden of going forward to establish a prima facie case as to validity of the order to abate or alleviate. The person named in the order to abate or alleviate shall have the ultimate burden of persuasion that the condition or activity does not violate KRS 224.10-410, or that the condition or activity has been discontinued, abated or alleviated.

(6) Default. Upon notification by the person named in the order to abate or alleviate that a hearing is not needed or upon failure of the person to appear at the administrative hearing, the hearing officer shall promptly prepare a report stating that the hearing has been waived and the order to abate or alleviate stands as issued.

(7) Effect of proceedings. The scheduling of an administrative hearing pursuant to this section shall not operate to terminate or stay the effect of the order or to relieve the person named in the order from performing the affirmative obligations imposed in the order to abate or alleviate.

Section 12. Temporary Relief. (1) Pending the completion of the investigation and hearings provided for in this administrative regulation, a hearing officer may, subject to review by the secretary, grant temporary relief from a notice or order issued pursuant to KRS Chapter 350 or administrative regulations, or a permit or bond release decision of the cabinet. A petition for relief shall be in writing, shall contain a detailed statement giving reasons why such relief should be granted and shall be filed with the office. A hearing officer may grant temporary relief after making a written finding that relief is warranted, and shall state the reasons for the finding. A hearing officer shall grant or deny relief expeditiously; except if the person requests temporary relief from an order for cessation and immediate compliance issued pursuant to KRS 350.130(1) or (4), or from a bond release decision, a hearing officer shall grant or deny temporary relief within five (5) working days of receipt by the office of a request.

(2) A hearing officer may grant temporary relief from notices and orders of the cabinet issued pursuant to 405 KAR 12.020, Sections 2 and 3 under conditions as is deemed appropriate, if:

(a) An administrative hearing on the request for temporary relief has been held in the locality of the permit area, or at any other location acceptable to the cabinet and the person to whom the notice or order was issued, in which all parties were given an opportunity to be heard;

(b) The person requesting relief shows that there is substantial likelihood that the findings on the merits in an administrative hearing conducted by the cabinet will be favorable to the person; and

(c) The relief will not adversely affect the health or safety of the public or cause significant, imminent environmental harm to land, air, or water resources.

(3) If a person requests temporary relief from a permit or coal exploration determination, the hearing officer under conditions as may be prescribed pending final determination of the proceeding may grant temporary relief if:

(a) The parties to the proceeding have been notified and given an opportunity to be heard on a request for temporary relief;

(b) The person requesting the relief shows that there is a substantial likelihood that he will prevail on the merits of the final determination of the proceeding; and

(c) The relief will not affect adversely the public health or safety, or cause significant, imminent environmental harm to land, air, or water resources; and

(d) The relief sought is not the issuance of a permit where a permit has been denied, in whole or in part, by the cabinet, nor release of a bond when a bond release request has been denied.

(4) Determinations on petitions concerning orders for cessation and immediate compliance issued pursuant to KRS 350.130(1) or (4) or bond release decisions shall be handled as follows:

(a) If the five (5) day requirement set forth in subsection (1) of this section is waived, the hearing officer shall expeditiously conduct a hearing and render a decision on the petition.

(b) If a waiver of the five (5) day requirement set forth in subsection (1) is not made, the following shall apply:

1. The five (5) day time for decision shall not begin to run until the petition for temporary relief is filed with the office;

2. The petition shall identify the permit number, permittee, the date and number of the noncompliance or cessation order from which relief is requested, if applicable, and the name and telephone number of the petitioner;

3. In addition to the service requirements of 405 KAR 7:091, Section 5, the petitioner shall serve other parties with a copy of the petition simultaneously with the filing of the application. If service is accomplished by mail, the petitioner shall inform the other parties by telephone at the time of mailing that a petition is being filed and the contents of the petition;

4. The representative of the Department of Law and other parties may indicate their objection to the application by communicating the objection to the hearing officer and the applicant by telephone. However, ex parte communication as to the merits of the proceeding shall not be conducted with the hearing officer. The representative of Department of Law and other parties may simultaneously reduce their objections to writing. Written objections shall be immediately filed with the hearing officer and immediately served upon the petitioner;

5. Upon receipt of communication that there is an objection to the petition, the hearing officer shall immediately order a location, time and date for the administrative hearing by communicating the information to the Department of Law, other parties, and the petitioner by telephone. The hearing officer shall reduce the communications to writing in the form of a memorandum to the file;

6. If an evidentiary hearing is held:

a. The hearing officer may require the parties to submit proposed findings of fact and conclusions of law to be considered at the evidentiary hearing which may be orally supplemented on the record at the hearing or where written proposed findings of fact and conclusions of law have not been submitted at the hearing, they may be orally presented for the record at the hearing;

b. The hearing officer shall either rule from the bench on the petition, orally stating the reasons for his decision or shall within twenty-four (24) hours of completion of the hearing issue a written decision. If the hearing officer makes an oral ruling, he shall issue a written decision within three (3) working days; and

7. If at any time after the initiation of the expedited procedure, the petitioner requests a delay or acts in a manner so as to frustrate the expeditious nature of the proceeding or fails to supply the information required by the hearing officer, the action shall constitute a waiver of the five (5) day requirement.

Section 13. Penalties. (1) Any person who violates any of the provisions of KRS Chapter 350; 405 KAR Chapters 7 through 24; or a permit condition or who fails to perform the duties imposed by these provisions, except the refusal or failure to obtain a permit, exploration approval or other authorization or who violates any determination or order promulgated pursuant to those provisions, may be assessed a civil penalty of not more than \$5,000 for each day during which the violation continues. A civil penalty of not more than \$5,000 for each day shall be assessed against a person issued an order pursuant to KRS 350.130(4).

(2) If violation has not been abated during the abatement period set forth in a notice of noncompliance and order for remedial measures or in an order for cessation and immediate compliance, a civil penalty of not less than \$750 shall be assessed for each day during which the failure to abate continues, up to a maximum of thirty (30) days, except that:

(a) A penalty for failure to abate the violation shall not be assessed for more than thirty (30) days for each violation. If the person has not abated the violation within the thirty (30) day period, the cabinet shall take appropriate action pursuant to KRS 350.990(3), (4), (9), or the pattern of violations provisions of KRS 350.028(4) within thirty (30) days to ensure that abatement occurs or to ensure that there will not be a recurrence of the failure to abate; and

(b) If the person to whom the notice or order was issued initiates review proceedings with respect to the violation, and the abatement requirements are suspended in a temporary relief proceeding pursuant to Section 12 of this administrative regulation, then the abatement period shall be extended until the date a final order concerning the violation in question is issued.

(3) A person who engages in surface coal mining and reclamation operations or coal exploration operations without first securing a permit or exploration approval according to KRS Chapter 350 and 405 KAR Chapters 7 through 24, shall be assessed a civil penalty of not less than \$5,000 nor more than \$25,000. Each day shall constitute a separate violation. However, the penalties provided in subsection (1) of this section shall apply in lieu of the penalties provided for in this subsection where a permittee through inadvertence has exceeded the boundaries of the permit in effect at that time.

(4) Whenever a corporate permittee violates any provision of KRS Chapter 350 or the administrative regulations or fails or refuses to comply with any final order issued by the secretary, any director, officer, or agent of the corporation who willfully and knowingly authorized, ordered, or carried out such violation, failure or refusal shall be subject to the same civil penalties, fines, and imprisonment as may be imposed upon a person pursuant to this section.

(5) Penalties shall be recoverable in an action brought in the name of the Commonwealth of Kentucky or the Natural Resources and Environmental Protection Cabinet by the cabinet's Department of Law, or upon the secretary's request, by the attorney general.

(6)(a) If any party seeks judicial review of a final order of the cabinet involving a penalty, the proposed penalty shall continue to be held in escrow until completion of the review. If judicial review is not sought, the escrowed funds shall be transferred to the cabinet for payment to the Kentucky State Treasurer as provided by law.

(b) If a final order of the secretary or final decision of a reviewing court results in the reduction or elimination of the proposed penalty, the cabinet shall within thirty (30) days of receipt of the order refund the appropriate amount with interest at the statutory rate from the date of payment into escrow.

(c) If a final order of the secretary or final decision of a reviewing court increases the penalty, the person to whom the notice or order was issued shall pay the difference to the cabinet within thirty (30) days after receipt of the order.

Section 14. Costs and Expenses. (1) Who may file. A person may file a petition for award of costs and expenses including attorneys' fees reasonably incurred as a result of the person's participation in a proceeding held pursuant to this administrative regulation which results in an order of the secretary. The petition for an award of costs and expenses, including attorneys' fees, shall be filed with the cabinet within forty-five (45) days of mailing of the final order. Failure to timely file the petition shall constitute a waiver of the right to an award.

(2) Contents of petition. A petition filed under this section shall include the name of the party from which costs and expenses are sought and the following shall be submitted in support of the petition:

(a) An affidavit setting forth in detail all costs and expenses including attorneys' fees reasonably incurred for, or in connection with, the person's participation in the proceeding;

(b) Receipts or other evidence of the costs and expenses; and

(c) If attorneys' fees are claimed, evidence concerning the hours expended on the case, the customary commercial rate of payment for the services in the area, and the experience, reputation and ability of the individual or individuals performing the services.

(3) Answer. A person served with a copy of the petition shall have thirty (30) days from service of the petition within which to file an answer or other responsive pleading specifically admitting or denying the allegations stated in the petition and setting forth other matters to be considered.

(4) Criteria for awarding of costs. Appropriate costs and expenses including attorneys' fees may be awarded as follows:

(a) To a person from the permittee, if the person initiates an administrative proceeding reviewing an enforcement action, upon a finding that, on or after May 18, 1982, a notice of noncompliance or order for cessation was issued for violations of KRS Chapter 350, 405 KAR or permit conditions or that an imminent hazard existed, or to a person who participates in an enforcement proceeding where such a finding is made, if the hearing officer finds and the secretary concurs that the person made a substantial contribution to the full and fair determination of the issues; or

(b) To a person other than a permittee or his representative from

the cabinet, if the person initiates or participates in any proceeding under KRS Chapter 350 upon a finding that the person made a substantial contribution to a full and fair determination of the issues; or

(c) To a permittee from the cabinet when the permittee demonstrates that the cabinet issued an order of cessation or a notice of noncompliance or initiated an administrative hearing in bad faith and for the purpose of harassing or embarrassing the permittee; or

(d) To a permittee from a person where the permittee demonstrates that the person initiated an administrative hearing or conference under this administrative regulation or participated in an administrative hearing or conference in bad faith and for the purpose of harassing or embarrassing the permittee; or

(e) To the cabinet where it demonstrates that a person applied for review pursuant to this administrative regulation or that a party participated in an administrative hearing or conference in bad faith and for the purpose of harassing or embarrassing the cabinet or the Commonwealth.

(5) An award under this section may include reimbursement for:

(a) Costs and expenses, including attorneys' fees and expert witness fees, reasonably incurred as a result of initiation or participation or both in an administrative hearing or conference under this administrative regulation; and

(b) Costs and expenses, including attorneys' fees and expert witness fees, reasonably incurred in seeking the award before the cabinet.

Section 15. Determinations as to Inability to Prepay. (1) Inability to pay. Notwithstanding the provisions of Section 6(2) of this administrative regulation, an individual, upon filing a petition for review pursuant to Section 6 of this administrative regulation, may, in lieu of paying into the cabinet's escrow account the amount of the proposed assessment, simultaneously submit a petition and affidavit requesting the office to accord the individual a waiver of the requirement to prepay.

(2) Contents of petition. The petition for waiver of prepayment requirements shall set forth:

(a) A statement of facts underlying the request for a determination that the individual is unable to comply with Section 6(2) of this administrative regulation; and

(b) An affidavit, subject to penalties for perjury, setting forth the applicant's income, property owned, outstanding obligations, the number and age of dependents, and a copy of his most recent Kentucky and federal income tax returns.

(3) Response. Within fifteen (15) days of service of the petition, the cabinet may file an answer or responsive pleading admitting or denying the contents of the petition for waiver. Failure by the cabinet to submit an answer or responsive pleading shall not relieve the office from making an independent determination as to the validity of the contents of the petition for waiver, and whether the waiver should be given.

(4) Interim report. Within thirty (30) days of filing of the petition, the office shall issue an interim report accepting or denying the petition for waiver. If the waiver is accepted, it shall be so noted in the record and shall remain in effect, subject to review upon proper motion. If the waiver is denied, the applicant shall be informed in writing and the applicant shall be given thirty (30) days from the mailing of the interim report to pay into the cabinet's escrow account the amount of the assessment as set forth in the notice of proposed assessment or as set forth by the conference officer under the provisions of Section 4 of this administrative regulation.

(5) Presumptions.

(a) It shall be prima facie evidence that the individual is unable to comply with Section 6(2) of this administrative regulation if the petition is accompanied by a certified copy of a petition for bankruptcy or the individual is receiving or is eligible to receive public assistance payments at the time a petition for waiver is filed.

(b) It shall be prima facie evidence a person is not eligible for a waiver if he owns real property; is not receiving, or is not eligible to receive, public assistance payments at the time the affidavit is submitted; or owns more than one (1) motor vehicle.

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PHILLIP J. SHEPHERD, Secretary
JUDITH A. VILLINES, Commissioner

APPROVED BY AGENCY: July 14, 1992

FILED WITH LRC: July 15, 1992 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 27, 1992, at 9 a.m. at Hudson Hollow Office Park, #2 Hudson Hollow, Frankfort, Kentucky in Room D-16. Persons interested in being heard at this hearing shall notify this agency in writing by August 22, 1992, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. To assure an accurate record, the cabinet requests that each person testifying at the hearing provide the cabinet with a written copy of his or her testimony. No transcript of recording will automatically be taken of the hearing unless a written request for a transcript of recording is made, in which case the person making the request shall have the responsibility of paying for same. Written comments on the proposed amendment may be submitted at any time before 4:30 p.m. on August 27, 1992. Comments received after that time will not be considered. Written notification of intent to be heard at the public hearing and written comments must be submitted to the following contact person: Judith A. Villines, Department of Law, Fifth Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact: Judith A. Villines

(1) Type and number of entities affected: This regulation establishes a comprehensive procedure for the conduct of all administrative hearings and conferences arising under KRS Chapter 350 by the Natural Resources and Environmental Protection Cabinet, hereinafter the "cabinet." This regulation will directly pertain to any person interested in or adversely affected by a determination or enforcement action initiated by the cabinet, hereinafter "affected entities". Thus, the regulation has a direct impact on all active and inactive surface mining permits of which there are approximately 3,800. Given the broad applicability of the regulation it is impossible to provide an accurate figure of affected entities. It is useful to note, however, that there are approximately 1,622 active cases pending before the cabinet, most of which will be heard under the new administrative hearing process.

(a) Direct and indirect costs or savings to those affected:

1. First year: As noted above, the regulation is a promulgation of a comprehensive system for the conduct of all administrative hearings and conferences arising under KRS Chapter 350. The regulation is principally procedural in nature and the costs incurred by the affected entities should remain approximately the same as any costs presently being expended under 405 KAR 7:090, which will be repealed in 405 KAR 7:091. Some savings will result from the fact that the preliminary hearing system, which requires the assistance of counsel, has been replaced with an informal conference procedure, which should not necessitate the presence of legal counsel. It is anticipated that the affected entities will sustain an increased cost from the requirement of prepayment of proposed assessments if the affected entity desires to challenge in an administrative hearing the recommendation of the conference officer. Individuals who can document with substantial evidence their inability to pre-pay may obtain a waiver of this requirement. Affected entities, however, will not suffer any additional costs in challenging the fact of the violation which does not require pre-payment. It should be noted that this cost was theoretically applicable under 405 KAR 7:090 but was eliminated as a result of the decision in *Franklin v. Natural Resources and Environmental Protection Cabinet*, Ky. 799 S.W.2d 1 (1990). This regulation addresses the deficiencies in 405 KAR 7:090 as noted by the Supreme Court. A slight increase in legal fees will also result from the new requirement that in certain proceedings an answer must be filed to an action initiated by the cabinet. On balance the fiscal impact resulting from this regulation should be nominal.

2. Continuing costs or savings: Affected entities will continue to

benefit from the abolition of the preliminary hearing provisions but may incur additional expenses as a result of the prepayment provisions.

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: With the abolition of the preliminary hearing procedures, there should be a decrease in filing of legal documents by the affected entities. The administrative hearing process may result in an increase in the preparation and filing of more detailed legal documents in that affected entities will have to petition for an administrative hearing. On balance the additional paperwork requirements of this regulation are nominal.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: The cabinet will incur a savings due to the abolition of the preliminary hearing provisions, which necessitated the cabinet's attorneys traveling to preliminary hearings as conducted in the various regional offices. A slight increase in costs will result from the new requirement that the cabinet file an answer to any petition filed by an affected entity.

2. Continuing costs or savings: The factors noted above will continue into the second year. It is not anticipated that the promulgation of this regulation will result in any significant additional expenditure of state funds.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: With the abolition of the preliminary hearing procedure, there should be a moderate decrease in filing of legal documents by the cabinet. The cabinet, however, will incur additional document preparation resulting from the requirement that it will have to file answers to petitions filed by an affected entity.

(3) Assessment of anticipated effect on state and local revenues: None.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were considered.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping or duplication: None

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Tiering is not applicable to this proposed amendment because, under the federal and Kentucky surface mining laws and regulations, these requirements must apply equally to all entities.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 30 USC 1253, 1255; 30 CFR Parts 724, 730, 731, 732, 733, 735, 917.

2. State compliance standards. This administrative regulation sets forth a comprehensive procedure for the conduct of all administrative hearings and conferences arising under KRS Chapter 350. In particular this regulation establishes specific procedures by which a person adversely affected by a cabinet's determination or enforcement action can petition for an administrative hearing or conference. In order to cover the full spectrum of possible challenges, this regulation sets forth specific procedures for inter alia: (1) enforcement determinations, (2) penalty assessments, (3) bond release decisions, (4) any type permit issuance or denial determinations, (5) proceedings by which the cabinet may initiate an administrative complaint for revocation, suspension and bond forfeiture of a surface mining and reclamation permit, (6) proceedings for temporary relief and (7) pursuant to 1992 Acts, c. 304, an omnibus provision allowing petitions to be filed for determinations made under KRS Chapter 350 not otherwise specifically covered. In addition to these provisions, the cabinet, in conformity with 1992 Acts, c. 304, has proposed a provision establishing a conference process for informal review of a proposed civil penalty assessment at the cabinet's regional offices. Upon issuance of the conference officer's report, further administra-

tive challenges of the assessment is possible, provided the recommended amount is paid into the cabinet's escrow account. Prepayment is required only for the contesting of the civil penalty. Other provisions of the regulation, however, make it emphatically clear that the fact of the violation can be contested at both the administrative and judicial levels without having to pre-pay the proposed penalty assessment. Finally, there is a provision in this regulation which allows an individual to obtain a waiver of the prepayment requirements on the grounds of inability pay.

3. Minimum or uniform standards contained in the federal mandate. The federal Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 USC 1201 et seq. establishes the basis whereby state and federal authorities regulate surface mining. Title 5 of SMCRA contains the provisions whereby persons aggrieved by an action of the regulatory authority may challenge that action through an adjudicative process. Kentucky's implementation of these federal provisions will be achieved under this regulation. The controlling standard is that the state enforcement program "primacy" must be as effective as the federal surface mining program, 30 USC 1253, 1255. This federal mandate, however, does not prescribe specific procedural standards other than it requires that a process be in place by which persons having an interest that may be adversely affected may be heard at any significant part of the administrative and judicial process. SMCRA also requires the regulatory authority to promulgate regulations by which the cabinet will conduct its hearings and investigations of any matter relating to the regulation of surface coal mining and reclamation operations, as well as the imposition of civil penalties and the prepayment of such penalties prior to an administrative hearing being held.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No. This regulation complies with the federal requirement that the state have a process in place for the administrative resolution of contested determinations.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Not applicable.

TRANSPORTATION CABINET
Department of Highways
Division of Traffic

603 KAR 3:060. Advertising devices on interstate parkway and federal-aid primary highways.

RELATES TO: KRS 177.830 to 177.890, 23 CFR

STATUTORY AUTHORITY: KRS 174.080, 177.860, 23 CFR

NECESSITY AND FUNCTION: KRS 177.860 authorizes the Department of Highways to establish reasonable standards for advertising devices on or visible from interstate, parkway and federal-aid primary highways. This administrative regulation is the means used by the Department of Highways to establish those standards. In addition KRS 177.867 requires the Department of Highways to pay just compensation for the removal of legally-erected advertising devices which are not in compliance with current state law or administrative regulation. This administrative regulation sets forth standards for determining when the Department of Highways shall pay just compensation. 23 CFR Part 661 establishes the Great River Road in extreme western Kentucky and determines that advertising devices along the road shall be controlled. This administrative regulation addresses advertising devices visible from the Great River Road.

Section 1. Agreement with FHWA. (1) The agreement entered into between the Department of Highways and the Federal Highway Administration on December 23, 1971 is incorporated by reference. This agreement is the one authorized by KRS 177.890 and 23 CFR Part 1.35 and required by 23 CFR Parts 190 and 750. It governs the erection and maintenance of advertising devices on interstate highways and federal-aid primary highways in the Commonwealth of Kentucky.

(2) Copies of this agreement may be viewed, copied or obtained from the Department of Highways, Division of Traffic, First Floor, State Office Building, 501 High Street, Frankfort, Kentucky 40622. The telephone number of the Division of Traffic is (502) 564-3020. Its hours of operation are 8 a.m. to 4:30 p.m. eastern time, Monday through Friday except state holidays.

Section 2. Incorporation of Billboard Guidance Manual. (1) The "Outdoor Advertising" portion of the "Permits Policy Guidance Manual" Sections 99-20.0100 through 99-20.0800 as revised by the Transportation Cabinet in June, 1992 is hereby incorporated by reference as a part of this administrative regulation. It specifies the application and evaluation procedures for an advertising device permit. It also includes the provisions of 23 CFR 750 with which Kentucky shall comply.

(2) Copies of this manual may be viewed or copied from the Department of Highways, Division of Traffic, First Floor, State Office Building, 501 High Street, Frankfort, Kentucky 40622. Copies of this manual may be purchased from the Department of Administrative Services, Division of Management Services, First Floor, State Office Building, 501 High Street, Frankfort, Kentucky 40622. The telephone number of the Division of Traffic is (502) 564-3020. The telephone number of the Division of Management Services is (502) 564-6927. Their hours of operation are 8 a.m. to 4:30 p.m. eastern time, Monday through Friday except state holidays.

Section 3. Great River Road. (1) The segments of highway in western Kentucky known as the Great River Road are the following:

(a) KY 94 from the Tennessee state line in Fulton County to KY 239 in Hickman County;

(b) KY 239 from KY 94 in Hickman County to KY 123 in Carlisle County;

(c) KY 123 from KY 239 to KY 1022 in Carlisle County;

(d) KY 1022 from KY 123 to US 51 in Carlisle County; and

(e) US 51 in Carlisle County to the Illinois state line.

(2) These road segments, regardless of normal federal classification, shall for the purpose of controlling advertising devices be considered the same as a federal-aid primary highway route.

Section 4. Repeal of Regulations. (1) 603 KAR 3:010, Interstate routes is repealed.

(2) 603 KAR 3:020, Federal-aid primary routes is repealed.

(3) 603 KAR 4:025, Advertising devices; just compensation is repealed.

J.M. YOWELL, State Highway Engineer

DON C. KELLY, P.E., Secretary/Commissioner

APPROVED BY AGENCY: June 25, 1992

FILED WITH LRC: June 29, 1992 at 3 p.m.

PUBLIC HEARING: A public comment hearing will be held on this administrative regulation on August 26, 1992 at 9 a.m., local prevailing time in the Fourth Floor Hearing Room of the State Office Building located at the corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by August 21, 1992 notify this agency. If no notification of intent to attend the hearing is received by this date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given the opportunity to comment on the administrative regulation. A transcript of the public comment hearing will not be made unless a written request for a transcript is made. The person who requests the transcript shall be responsible for the cost of preparing the transcript. If you do not wish to attend the public hearing, you may submit written comments on the administrative regulation. If the hearing is held, written comments will be accepted until the close of the hearing. If the hearing is cancelled, written comments will only be accepted until August 21, 1992. Send written notification of intent to attend the public comment hearing or written comments on the administrative regulation to: Sandra G. Pullen, Staff Assistant, Transportation Cabinet, Tenth Floor, State Office Building, 501 High Street, Frankfort, Kentucky 40622. (502)564-4890.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sandra G. Pullen

(1) Type and number of entities affected: All owners of advertising devices in Kentucky.

(a) Direct and indirect costs or savings to those affected: None. There are no basic changes from administrative regulations which are expiring.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: A few owners of on-premise advertising devices will have less difficulty being in compliance with the administrative regulation since the requirements were vastly simplified.

(2) Effects on the promulgating administrative body: Since the requirements for on-premise advertising devices were simplified, it will be easier to determine if a sign is in compliance with the administrative regulation.

(a) Direct and indirect costs or savings: If this regulation were not promulgated Kentucky would be out of compliance with the Federal Highway Beautification Act. If this were to happen most, if not all, of our federal funds from the Federal Highway Administration could be withheld. This could cost the state over \$200 million each year.

1. First year: Same

2. Continuing costs or savings: Same

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No difference.

(3) Assessment of anticipated effect on state and local revenues:

As described in (2) above.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The format of the administrative regulation was the only real alternative the Transportation Cabinet had. The requirements on how outdoor advertising devices are to be treated are specified between federal law, federal regulation and the Bonus Agreement. The idea of simplifying the on-premise advertising device requirements was adopted because Kentucky has exceeded federal requirements in this area without any benefits to the Commonwealth. Rather, the owners of the on-premise advertising devices considered the state to be unnecessarily intrusive.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

TIERING: Was tiering applied? Yes. Tiering was applied in that there are more stringent requirements in those rural areas which are the primary concern of the Highway Beautification Act.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 23 CFR part 750 and the Bonus Agreement executed by the Federal Highway Administration and the Kentucky Department of Highways.

2. State compliance standards: Outdoor advertising devices are controlled on the interstate highways, parkways and federal aid primary highways. Interstates and parkways are treated the same with more control imposed on those highways. All of the Great River Road is considered to be federal aid primary highway segments.

3. Minimum or uniform standards contained in the federal mandate. Outdoor advertising devices are mandated to be controlled on the interstate highways, parkways and federal aid primary highways. The parkways are required to be treated as federal aid primary highways and less control is required in "Cotton Areas" on interstate highways. Cotton Areas are those areas with a commercial or industrial use and where the state owned the highway right-of-way prior to 1959.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those

required by the federal mandate? Yes

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. There is more than one federal mandate operating here. The basic mandate is the federal Highway Beautification Act governed by 23 CFR Part 750. However, Kentucky is one of the few states which voluntarily agreed in 1961 to stricter controls on outdoor advertising devices within 660 feet of interstate and parkway highways. Kentucky received over \$2.5 million in bonus payments since entering into the Bonus Agreement with FHWA. Violation of the agreement would cause those funds plus others spent in removing billboards to be repaid to the federal government. In addition, Kentucky has not allowed the less stringent controls in "Cotton Areas". This would require an act of the General Assembly as well as requiring the Commonwealth to pay back much federal money received under the bonus agreement.

TRANSPORTATION CABINET
DEPARTMENT OF HIGHWAYS
Division of Maintenance

603 KAR 5:300. Highway classifications.

RELATES TO: KRS 189.222

STATUTORY AUTHORITY: KRS 174.050, 189.222

NECESSITY AND FUNCTION: KRS 189.222 authorizes the Secretary of Transportation to establish reasonable weight limits for vehicles on all highways included in the state-maintained system of roads. This regulation is adopted to identify each road in the state-maintained system and to indicate the classification of each. The classification of each road in conjunction with administrative regulation 603 KAR 5:066 establishes the weight limit for trucks using each road.

Section 1. Definitions or Abbreviations. (1) "I" designates an interstate highway.

(2) "KY" designates a state numbered highway.

(3) "US" designates a federal number highway.

Section 2. Posted Weight on Bridge. The weight limits set forth in 603 KAR 5:066 for truck types and classifications shall apply on all highways listed in this administrative regulation, unless bridge postings prohibit those weights on any particular segment.

Section 3. As stated in 603 KAR 5:066 the maximum weight limits for the three (3) classifications of highways are as follows: "AAA" system, 80,000 pounds gross weight; "AA" system, 62,000 pounds gross weight; "A" system, 44,000 pounds gross weight. On the interstate system of highways tolerances shall not be allowed on gross weight, axle weight, or combinations of axle weights.

Section 4. The classifications for each highway in the state-maintained system of roads are as follows:

KY 1

AAA - From the junction with US 60 in Grayson to the junction with KY 7 near Pactolus, north of Grayson.

AA - From Lawrence-Carter County line to the junction with US 60 in Grayson; and from the junction with KY 7 near Pactolus to south end of bridge over Anglin Branch near the Greenup County line.

A - From the junction with KY 3, northwest of Louisa to the Lawrence-Carter County line; and from the south end of bridge over Anglin Branch (Carter County) to the junction with US 23 near Greenup.

KY 2

AAA - From the junction with US 60 in Olive Hill to the junction with I-64, north of Olive Hill.

AA - From the junction with I-64 to the junction with KY 7 near Warnock in Greenup County.

A - From the junction with KY 7 near Warnock in Greenup County to the junction with Main Street in Greenup.

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- KY 3
- AAA - From the junction with US 23 at Watgap, southeast of Prestonsburg to the junction with KY 1428, east of Prestonsburg; and from the junction with US 23 near Auxier to the junction with KY 645 south of Inez (Floyd-Johnson-Martin Counties).
 - AA - From the junction with US 23 near Louisa to the junction with US 23 at south side of I-64 Interchange (Lawrence-Boyd Counties).
 - A - From the junction with KY 1428, east of Prestonsburg to the junction with US 23 southeast of Auxier; and from the junction with KY 645 south of Inez to the junction with US 23 at Louisa.
- KY 4
- AAA - The Lexington Circle Expressway in its entirety.
- KY 5
- AA - From the junction with KY 503 in Boyd County to the junction with US 23 near the Boyd-Greenup County line.
 - A - From the junction with US 60 at Princess (Boyd County) to the junction with KY 503.
- KY 6
- AA - From the junction with KY 26 at Woodbine (Whitley County) to the junction with KY 11 at Dishman Street in Barbourville.
- KY 7
- AAA - From the Magoffin-Floyd County line, via Salyersville and West Liberty to the junction with KY 1 near Pactolus, north of Grayson.
 - AA - From the junction with KY 15 at Jeff in Perry County, via Isom to the junction with KY 550 at Lackey in Floyd County
 - AA - From the junction with KY 1 near Pactolus to the junction with US 23 at South Shore in Greenup County
 - A - From the junction with KY 550 north of Garrett in Floyd County to the Magoffin County line.
- KY 8
- AAA - From the junction with US 27 in Newport, via Covington, Ludlow and Bromley to entrance to Standard Oil Bulk Plant, west of Bromley in Kenton County; and from the junction with KY 1998 near Brent in Campbell County to the junction with KY 10 at the north city limits of Maysville.
 - AA - From entrance to Standard Oil Bulk Plant, west of Bromley, via Constance to the entrance to Interstate Asphalt Plant, northwest of Constance in Boone County
 - AA - From the junction with US 27 in Newport to junction of Mary Inglis Highway and 4th Street in Dayton; from the junction with KY 445 at Brent to the junction with KY 1998, south of Brent; and from the junction with KY 57 at Concord in Lewis County to the junction with KY 10 at Vanceburg.
 - A - From the junction with KY 20 at Idlewild in Boone County to entrance to Interstate Asphalt Plant, northwest of Constance; from the junction with of Mary Inglis Highway and 4th Street, in Dayton to the junction with KY 455 at Brent; and from beginning of state maintenance at Irwin in Lewis County to the junction with KY 57 at Concord.
- KY 9
- AAA - From south urban limits of the Covington-Newport urban area to the junction with KY 8 at 4th Street in Newport.
 - A - From the junction with US 27 near Aspen Grove in Campbell County to south urban limits of Covington-Newport area.
- KY 10
- AAA - From the junction with KY 8 at the north city limits of Maysville to the junction with US 23 at the Ohio River bridge at South Portsmouth.
 - AA - From the junction with US 27 at Alexandria to the junction with KY 8 at Maysville.
 - A - From the junction with KY 177 near Visalia in Kenton County to the junction with US 27 in Alexandria.
 - AAA - From the junction with KY 10 at South Portsmouth to north end of new Ohio river bridge (Greenup County).
- KY 10 Connector
- AAA - From the junction with KY 546, southwest of Quincy, extending north to the junction with KY 10 near Quincy (Lewis County).
- KY 11
- AAA - From the junction with KY 30 at Booneville to the junction with US 62 in Maysville.
 - AA - From the junction with KY 92, east of Williamsburg to the junction with US 421 near Manchester; from the Owsley-Clay County line to the junction with KY 30 at Booneville.
 - A - From the junction with US 421 north of Manchester to the Clay-Owsley County line.
- KY 12
- A - From the junction with KY 43, northeast of Shelbyville to the Franklin-Henry County line.
- KY 13
- A - From the junction with KY 36 at Carlisle to Hinkston Creek at the Bourbon County line.
- KY 14
- AA - From the junction with US 25 at Bracht in Kenton County to the junction with KY 17 at Piner; and from the junction with KY 2046 in southeast Kenton County to the junction with KY 177 at Morning View.
 - A - From the junction with US 42 at Hume in Boone County to the junction with US 25 in Walton; and from the junction with KY 17 at Piner to the junction with KY 2046, 0.6 mile west of Morning View.
- KY 15
- AAA - From the junction with US 119, southeast of Whitesburg to the junction with Mountain Parkway at Clay City.
 - AA - From the junction with Mountain Parkway at Clay City to the junction with US 60 at Winchester.
- KY 15 Spur
- AAA - From the junction with KY 15 in Campton to Mountain Parkway, northwest of Campton.
- KY 15 Alternate (Solomon Street in Whitesburg)
- AAA - From the junction with KY 15 near the Post Office, via Solomon Street to the junction with KY 15 near the L & N Railroad overpass.
- KY 16
- AAA - From the junction with KY 177 at Southern Avenue in Covington to the junction with KY 17 at Madison Avenue; except Railroad underpass in Covington (12'11"V.C.).
 - AA - From the junction with US 25 at Walton to the junction with KY 177 in Covington; except the railroad overpass near Walton which has a twelve (12) ton capacity.
- KY 17
- AAA - From the junction with US 27, 3.7 miles north of Falmouth to the junction with KY 1853, 0.8 mile northwest of US 27; and from the junction with KY 371 at Sanfordtown in Kenton County to the junction with US 25 in Covington.
 - AA - From the junction with KY 2046 in southern Kenton County to the junction with KY 14 at Piner.
 - A - From the junction with KY 1853, 0.8 mile northwest of US 27 (at Cynthiana) to the junction with KY 2046 in Kenton County; and from the junction with KY 14 at Piner to the junction with KY 371 at Sanfordtown, north of the I-275 overpass.
- KY 18
- AAA - From the junction with KY 338, 2.6 miles south of Belleview in Boone County to the junction with KY 1017 in Florence.
- KY 19
- AA - From the junction with US 62 at Claysville in Harrison County to the junction with KY 10, 3.0 miles southwest of Brooksville; and from the junction with KY 10 in Brooksville to the junction with KY 1159 in Brooksville.
 - A - From the junction with KY 1159 in Brooksville to the junction with KY 8 in Augusta.
- KY 20
- AAA - From entrance to Cooke Aggregates Company gravel plant, 1.6 miles southwest of Petersburg in Boone County to the

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- junction with KY 212, near the north side of I-275 Interchange; and from the junction with KY 18 near Bellevue to entrance to Eaton Sand and Gravel Company quarry, 0.4 miles north of KY 18.
- AA - From the junction with KY 8 near Constance to the junction with KY 212; and from entrance to Eaton Sand and Gravel Company quarry, 0.4 miles north of KY 18 to entrance to Cooke Aggregates, 1.6 miles southwest of Petersburg.
- KY 21
- AAA - From the junction I-75 in Berea to the junction with US 25 in Berea.
- AA - From the junction with KY 52 near Paint Lick at the Madison-Garrard County line to the junction with I-75 in Berea; and from the junction with US 25 in Berea to the junction with US 421 at Bighill.
- A - From the junction with US 421 at Bighill to the Madison-Jackson County line.
- KY 22
- AAA - From the junction with US 42, northeast of Louisville to the junction with US 27 in Falmouth.
- AA - From the junction with US 27 in Falmouth to the junction with KY 10 at Willow in Bracken County.
- US 23
- AAA - From the Virginia State line near Jenkins, via Pikeville, Prentissburg, Paintsville, Louisa, Ashland, and Greenup to the Ohio River Bridge at south Portsmouth.
- US 23 Spur
- AAA - From the junction with US 23 at Twelfth Street in Ashland to the junction with US 52 in Ohio.
- I-24
- AAA - From the Illinois state line to the Tennessee state line.
- US 25
- AAA - From the junction with I-75, northwest of Corbin in Laurel County to the junction with I-75, approximately 4.0 miles north of Lexington; and from Fayette-Scott County line to the junction with KY 22 at Dry Ridge.
- AAA - From the junction with KY 14 at Bracht in Kenton County to the Ohio state line at the Clay Wade Bailey Bridge in Covington.
- AA - From the junction with I-75 north of Lexington to Scott-Fayette County line and from the junction with KY 22 at Dry Ridge to the junction with KY 14 at Bracht.
- US 25E
- AAA - From the Virginia state line, via Middlesboro, Pineville, and Barbourville to the junction with KY 770 at the west ramps of I-75 north of Corbin.
- US 25W
- AAA - From Tennessee state line, via Williamsburg and Corbin to the junction with US 25 north of Corbin.
- KY 26
- AA - From the junction with US 25W, 1.0 mile north of Williamsburg to the junction with US 25W in Corbin.
- US 27
- AAA - From the Tennessee state line, via Whitley City, Somerset, Lancaster, Lexington, Paris, Cynthiana, Falmouth, and Alexandria to the Ohio state line at the L & N and Central Bridges in Newport.
- KY 28
- AAA - From the junction with KY 30 in Booneville to the junction with KY 15 near Mudlick School (Owsley-Perry Counties).
- KY 29
- AA - From the junction with Horton Lane at High Bridge in Jessamine County to the junction with US 27 in Nicholasville.
- KY 30
- AAA - From the junction with KY 52, 2.2 miles west of Jackson to the junction with US 460 near Salyersville.
- AA - From the junction with KY 490 at East Bernstadt in Laurel County via Tyner to the Jackson-Owsley County line; and from the junction with KY 11 in Booneville to KY 52, 2.2 miles west of Jackson.
- A - From the Owsley-Jackson County line to the junction with KY 11, west of Booneville.
- US 31E
- AAA - From Tennessee state line, via Scottsville to the junction with KY 61 at Hodgenville.
- AAA - From the junction with Bluegrass Parkway south of Bardstown to Indiana state line at Louisville.
- AA - From the junction with KY 61 at Hodgenville to the junction with Bluegrass Parkway, south of Bardstown.
- US 31W
- AAA - From Tennessee state line, via Franklin, Bowling Green, and Elizabethtown to Indiana state line at Louisville.
- US 31W Truck Route (Louisville Area)
- AAA - From the junction with US 150 to the junction with US 31W.
- US 31W (Elizabethtown Bypass)
- AAA - From US 31W north of Elizabethtown to the junction with Western Kentucky Parkway, south of Elizabethtown.
- KY 32
- AAA - From the junction with US 27, south of Cynthiana extending west 0.2 mile to Ashland Oil Company Bulk Plant; from the junction with US 27 (Main Street) in Cynthiana to the junction with KY 982 (Church Street) in Cynthiana; and from the junction with KY 36 in Carlisle to the junction with KY 7 at Newfoundland in Elliott County.
- AAA - From the junction with US 25, 1.2 miles west of the west city limits of Sadieville in Scott County to Southern Railroad underpass in Sadieville.
- AA - From the junction with KY 7 in Sandy Hook to the junction with US 23 near Louisa.
- A - From the junction with US 25, 1.0 mile north of Georgetown to the junction with US 25 at east side of I-75 Interchange, 1.2 miles west of Sadieville; from Southern Railroad underpass in Sadieville to Ashland Oil Bulk Plant, 0.2 mile west of US 27 near Cynthiana; and from the junction with KY 982 (Church Street) in Cynthiana to the junction with KY 36 in Carlisle.
- KY 33
- AAA - From the junction with Bluegrass Parkway, south of Versailles to the junction with US 62 in Versailles; and from the junction with US 68 near Pleasant Hill (Shaker-town) in Mercer County to the junction with KY 342, 1.4 miles south of beginning.
- AA - From the junction with KY 342 to the junction with US 150 in Danville; and from the junction with US 68 in Jessamine County, 1.5 miles northeast of the Mercer County line to the junction with Bluegrass Parkway, south of Versailles.
- KY 34
- AA - From the junction with US 68 at Brumfield to the junction with US 27, approximately 7.0 miles north of Lancaster.
- KY 35
- AAA - From the junction with US 127 at Bromley in Owen County, to the junction with US 42 at Warsaw.
- KY 36
- AAA - From south end of Ohio River Bridge at Milton to the junction with US 42 at Prestonville near Carrollton; from I-75 southbound ramps at Williamstown Interchange to the junction with Ashbrook Road (CR 1114), 3.1 miles southeast of US 25 near Williamstown; from the junction with US 27 in Cynthiana to the junction with KY 1743, northwest of Cynthiana; from the junction with US 68, approximately 13 miles northeast of Paris to the junction with KY 32 in Carlisle; and from the junction with US 60 at Owingsville to the junction with US 460 at Frenchburg.
- AA - From the junction with Ashbrook Road, southeast of Williamstown to the junction with KY 1743, northwest of Cynthiana; and from the junction with KY 1944, 3.3 miles northwest of Owingsville to the junction with US 60 in Owingsville.
- A - From the junction with KY 227 near Carrollton to I-75 southbound ramps at Williamstown Interchange; from the junction with US 27 in Cynthiana to the junction with US 68

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- near Carlisle; and from the junction with KY 32 in Carlisle to the junction with KY 1944, 3.3 miles northwest of Owingsville.
- KY 37
A - From the junction with KY 243 at the Boyle-Casey County line to the junction with US 150 (Danville Bypass) southwest of Danville.
- KY 38
AA - From the junction with US 421 in Harlan, via Evarts to the Virginia state line.
- KY 39
AA - From the junction with US 150 at Crab Orchard to the junction with US 27 south of Lancaster; and from north bank of Kentucky River in Jessamine County to the junction with US 27 in Nicholasville (Lincoln-Garrard-Jessamine Counties).
- A - From the junction with KY 1247 in Somerset to the junction with US 150 at Crab Orchard; and from the junction with US 27 in Lancaster to Kentucky River at the Garrard-Jessamine County line (Pulaski-Lincoln-Garrard Counties).
- KY 40
AAA - From the junction with US 460 in Salyersville to the junction with US 23, northwest of Paintsville (Magoffin-Johnson Counties); and from the junction with KY 645, west of Inez, to the junction with KY 3 in Inez (Martin County).
- AA - From the junction with US 23, northwest of Paintsville to KY 645 west of Inez; and from KY 3 in Inez to east end of bridge at West Virginia state line (Johnson-Martin Counties).
- US 41
AAA - From Tennessee state line at Guthrie, via Hopkinsville, and the Pennyriple Parkway to Indiana state line, north of Henderson.
- US 41A
AAA - From Tennessee state line, via Hopkinsville, Madisonville, and Dixon to the junction with US 60, southwest of Henderson.
- US 41 (Truck Route, Hopkinsville)
AAA - From the junction with US 41 (9th Street in Hopkinsville) along Liberty Street to 4th Street in Hopkinsville; and from US 41 (9th Street) along Clay and 4th Streets to US 41 (Main Street).
- US 42
AAA - From the junction with US 60 in Louisville to the Ohio state line at the Clay Wade Bailey Bridge at Covington and from the south end of approaches to the suspension bridge at Covington.
- KY 43
A - From the junction with KY 55, north of Shelbyville to the junction with US 421, 0.4 mile south of Shelby-Henry County line.
- KY 44
AAA - From the junction with US 31W near Kosmosdale in Jefferson County to the junction with KY 1795 at Little Mount in Spencer County
- AA - From the Anderson-Spencer County line to the junction with US 127 at Lawrenceburg.
- A - From the junction with KY 1795 at Little Mount in Spencer County to the Spencer-Anderson County line.
- US 45
AAA - From the Tennessee state line, via West Parkway and North Parkway in Fulton to Brookport Bridge at Paducah.
- KY 46
A - From the junction with KY 52 near Nelsonville in Nelson County to the junction with KY 49, 7.1 miles south of Bardstown.
- KY 48
AAA - From the junction with US 31E at Highgrove in Nelson County to the junction with US 62 at Bloomfield.
- KY 49
AAA - From the junction with Bluegrass Parkway south of Bardstown to the junction with US 150 at Bardstown.
- A - From the junction with KY 70 in Liberty to the junction with Bluegrass Parkway, south of Bardstown.
- US 51
AAA - From Tennessee state line at Fulton, via Clinton, Bardwell, and Wickliffe to Illinois state line.
- KY 52
AAA - From the junction with US 150 near Danville to the junction with KY 1295, 3.4 miles southeast of Lancaster; and from another junction with KY 1295 in Madison County, 2.7 miles east of Kirksville, to the junction with KY 30, west of Jackson in Breathitt County
- AA - From the junction with KY 1295, 3.4 miles southeast of Lancaster to the junction with KY 1295, 2.7 miles east of Kirksville in Madison County
- A - From the junction with US 62 at Boston in Nelson County to the junction with US 68 in Lebanon.
- KY 53
AAA - From the junction with KY 1790, south of Shelbyville to the junction with US 42, north of LaGrange.
- A - From the junction with KY 555, 1.6 miles southwest of Willisburg in Washington County to the junction with KY 1790, south of Shelbyville.
- KY 54
AAA - From the junction with 12th Street and Grimes Avenue in Owensboro to the junction with the Boston-Lafoon Road, one and seven-tenths (1.7) miles west of Whitesville; and from the junction with KY 69 west of Fordsville in Ohio County to the junction with KY 69 in Fordsville.
- AA - From the junction with the Boston-Lafoon Road to the junction with KY 69 west of Fordsville in Ohio County; and from the junction with KY 69 in Fordsville to the junction with KY 261 east of Fordsville.
- A - From the junction with KY 261 east of Fordsville to the junction with US 62 in Leitchfield in Grayson County.
- KY 55
AAA - From the junction with KY 80 in Columbia, via Campbellsburg and Lebanon to the junction with US 150 in Springfield; and from the junction with Bluegrass Parkway, south of Bloomfield, via Bloomfield, Taylorsville, and Shelbyville to the junction with US 421 at New Castle.
- AA - From the junction with US 127, south of Jamestown to the junction KY 80 in Columbia, from the junction with US 150, northwest of Springfield to the junction with Bluegrass Parkway, south of Bloomfield; and from the junction with US 421 in Campbellsburg to the junction with US 42 at Prestonville in Carroll County.
- KY 56
AAA - From the Illinois state line to the junction with KY 109; and from the junction with US 41A at Poole to the junction with KY 136 at Beech Grove; and from the junction with KY 81 west of Owensboro Beltline to the junction with US 431 in Owensboro.
- AA - From the junction with KY 109 near the Illinois state line to the junction with US 60 in Morganfield.
- A - From the junction with US 60 in Morganfield to the junction with US 41A at Poole; and from the junction with KY 136 at Beech Grove to the junction with KY 81, west of Owensboro Beltline.
- KY 57
AAA - From the junction with KY 4 (New Circle Road) at the northeast city limits of Lexington to Lexington-Bluegrass Army Depot at Avon; and from the junction with KY 32 in Flemingsburg to the junction with KY 10 at Tollesboro.
- AA - From Lexington-Bluegrass Army depot at Avon to the junction with KY 537 at Plum in Bourbon County.
- A - From the junction with KY 537 at Plum to the junction with KY 32, west of Flemingsburg.
- A - From the junction with KY 10 at Tollesboro to the junction with KY 8 at Concord in Lewis County.
- KY 58

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- AAA - From the junction with US 51 at Clinton to the junction with US 45 at Pryorsburg in Graves County.
- AA - From Mississippi River at Columbus to the junction with US 51 at Clinton.
- AA - From the junction with KY 80 near Brewers to the junction with US 641 at Benton.
- A - From the junction with US 68, 2.5 miles southeast of Briensburg in Marshall County, to a point near Kentucky Lake, east of US 68.
- KY 59
 - AA - From the junction with KY 2, 2.7 miles northwest of Olive Hill to the junction with KY 10 in Vanceburg.
- US 60
 - AAA - From Illinois state line, via Wickliffe, Paducah, Smithland, Marion, Morganfield, Henderson, Owensboro, Hawesville, Hardinsburg, Muldraugh, Louisville, Shelbyville, Frankfort, Versailles, Lexington, Winchester, Mt. Sterling, Owingsville, Morehead, Olive Hill, and Ashland to West Virginia state line at Catlettsburg.
- US 60 (Truck Route, Louisville Area)
 - AAA - From the junction with with I-264 to junction with US 42; and from the junction with US 31E to the junction with the US 31W (truck route).
- US 60 (Business Route Louisville Area)
 - AAA - From the junction with US 60 (truck route) to the junction with US 31W.
- US 60 Alternate, Louisville Area)
 - AAA - From the junction with US 60 (Business Route) to the junction with US 31W.
- US 60 (Bypass, Owensboro Area)
 - AAA - From the junction with US 60 near east city limits of Owensboro to the junction with US 60 near west city limits of Owensboro.
- US 60 (Business Route Versailles)
 - AAA - From the junction with US 60 Bypass near north city limits of Versailles to the junction US 60 Bypass near east city limits of Versailles.
- KY 61
 - AAA - From Tennessee state line in Cumberland County to the junction with KY 80, southwest of Columbia in Adair County; and from the junction with US 31E at Hodgenville to the junction with US 31E in Louisville.
 - AA - From the junction with KY 80 at Columbia to the junction with US 31E near Hodgenville.
- US 62
 - AAA - From the junction with US 51 at Bardwell, via Paducah, Kentucky Dam, Princeton, Greenville, Beaver Dam, Leitchfield, Elizabethtown, Bardstown, Bloomfield, Lawrenceburg, Versailles, Midway, and Georgetown to the junction with KY 392, northeast of Cynthiana.
 - AAA - From the junction with US 68 at Washington to Ohio state line at Maysville.
 - AA - From the junction with KY 392, northeast of Cynthiana to the junction with KY 165 at Mt. Olivet in Robertson County
 - A - From the junction with KY 165 at Mt. Olivet to the junction with US 68 at Washington in Mason County
- KY 63
 - AAA - From Tennessee state line, via Tompkinsville to the junction with KY 839, northwest of Tompkinsville.
 - A - From the junction with KY 839, northwest of Tompkinsville to the junction with US 31E in Glasgow.
- I-64
 - AAA - From Indiana state line to the West Virginia state line.
- I-65
 - AAA - From Tennessee state line to Indiana State Line.
- KY 66
 - AA - From the junction with US 421, southwest of Big Creek in Clay County to the junction with KY 1850, south of Red Bird Hospital in southeast Clay County.
 - A - From the junction with US 25E in Pineville to the junction with KY 1850 in Clay County.
- A - From the junction with US 421 near Big Creek in Clay County to the junction with KY 11 at Oneida.
- US 68
 - AAA - From the junction with US 62, east of Paducah, via Aurora, Cadiz, Hopkinsville, Russellville, Bowling Green, Glasgow, Edmonton, Greensburg, Campbellsville, Lebanon, Perryville, Harrodsburg, Lexington, Paris, and Maysville to US 52 in Ohio.
- KY 69
 - AAA - From the junction with US 231 at Hartford to northeast end of Lincoln Trail Bridge in Hawesville (Ohio-Hancock Counties).
 - A - From a point 2.9 miles southwest of Equality in Ohio County to the junction with US 231 at Hartford.
- KY 70
 - AAA - From the junction with US 60 at Smithland to a point 1.8 miles east of US 60; from the junction with KY 855 at Frances in Crittenden County to the junction with US 641, northeast of Mexico in Crittenden County; from the west city limits of Central City to the junction with US 431 in Central City; from the junction with US 41A in Madisonville to south end of Pond River Bridge at the Muhlenberg County line; and from the junction with US 31W at Cave City to the Straders Branch-Big Meadow Road, 2.5 miles east of Hiseville in Barren County.
 - AA - From the junction with US 641 at Fredonia to the junction with KY 91, south of Fredonia; from the junction with US 68 at Campbellsville to the junction with KY 1798 at Acton; and from Casey-Taylor County line to the junction with US 27 east of Eubank.
 - A - From a point 1.8 miles east of US 60 at Smithland to the junction with KY 855 at Frances in Crittenden County; from the junction with KY 91 near the east city limits of Fredonia to the junction with US 41A in Madisonville from south end of Pond River Bridge at the Muhlenberg County line to the west city limits of Central City; from the junction with US 431 at Browder, south of Drakesboro to the junction with US 231 in Morgantown; from the junction with US 231, 1.0 mile northwest of Aberdeen in Butler County to junction 31W at Cave City; from the junction with Straders Branch-Big Meadow Road, 2.5 miles east of Hiseville US 68, north of Edmonton; from the junction with KY 1798 at Acton in Taylor County to the Taylor-Casey County line; and from the junction with US 27 east of Eubank to the junction with US 150 near Brodhead in Rockcastle County.
- I-71
 - AAA - From the junction with I-64 in Louisville to the junction with I-75 in Boone County.
- KY 72
 - A - From the junction with US 119 at Blackmont in Bell County to the junction with US 421 at Tway, south of Harlan.
- KY 73
 - A - From Tennessee state line in Simpson County to the junction with KY 1038, 2.3 miles south of Richelieu in Logan County.
- KY 74
 - A - From Tennessee state line in Bell County to the junction with US 25E in Middlesboro.
- I-75
 - AAA - From Tennessee state line to Ohio state line.
- KY 76
 - AA - From the junction with KY 70, 3.0 miles southeast of Campbellsville to the junction with KY 206 near Neatsville in Adair County.
 - A - From the junction with KY 206 at Ella in Adair County to end of state maintenance at Lake Cumberland in Russell County
- KY 77
 - A - From the junction with KY 15 near Slade to the junction with US 460 near Mariba in Menifee County
- KY 78

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- A - From the junction with KY 49 at Jacktown in Casey County to the junction with US 150 in Stanford.
- KY 79
 - AAA - From the junction with US 431 in Russellville to the junction with US 62 in Caneyville; and from the junction with US 60 at Irvington to Ohio River toll bridge at Brandenburg.
 - AA - From the junction with KY 259 at Rough River Lake to the junction with US 60 at Harned.
 - A - From the junction with US 62 at Caneyville to the junction with KY 259 at Rough River Lake.
- US 79
 - AAA - From Tennessee state line, west of Guthrie to the junction with US 431 in Russellville.
- KY 80
 - AAA - From the junction with US 45 in Mayfield to the junction with US 421 near Manchester.
 - AAA - From Perry-Leslie County line; to the junction with US 23 near Allen in Floyd County
 - AA - From the junction with KY 58 in Columbus to the junction with US 45 in Mayfield.
 - AA - From the junction with US 421 near Manchester, via Hyden to Perry County line.
 - AA - From the junction with US 460 at Belcher in Pike County to Virginia state line near Elkhorn City.
- KY 80 SPUR
 - AAA - From the junction with KY 1428 (Main Street) in Martin to the junction with KY 80 (Floyd County).
- KY 81
 - AAA - From the junction with KY 136 at Calhoun in McLean County to the junction with KY 56, west of Owensboro Beltline.
 - AA - From the junction with US 431 at South Carrollton, north of Central City in Muhlenberg County to the junction with KY 136 at Calhoun in McLean County.
- KY 82
 - AAA - From the junction with KY 89 at Hargett in Estill County to the junction with KY 15 near Clay City.
- KY 83
 - A - From the junction with KY 303 at Cuba in Graves County to the junction with KY 94, southwest of Tri City.
- KY 84
 - AAA - From the junction with I-65 near Sonora in Hardin County to the junction with US 31W.
 - A - From the junction with KY 401 near Hudson to junction I-65 near Sonora; from the junction with US 31W east of Sonora to the junction with US 31E at Hodgenville; and from the junction with US 31E, northeast of Hodgenville to the junction with KY 49, west of Lebanon (Breckinridge-Hardin Counties).
- KY 85
 - AAA - From the junction with KY 70, east of Madisonville extending northeast 1.8 miles to Anton.
 - AA - From Anton to the junction with KY 81, south of Sacramento.
 - A - From junction KY 81 in Sacramento to the junction with US 62 northeast of Rockport (Hopkins-McLean-Ohio Counties).
- KY 86
 - AAA - From the junction with US 62, 5.5 miles southwest of Elizabethtown to the Haydon School Road in Cecilia.
 - AA - From the junction with US 60 near Garfield in Breckinridge County to the Haydon School Road in Cecilia.
 - A - From the junction with US 60 near Garfield to the junction with KY 144 at Union Star.
- KY 87
 - A - From the junction with KY 63 in Gamaliel to the Tennessee state line at Bugtassle to the junction with US 31E near Barren River Lake (Monroe-Allen-Barren Counties).
- KY 88
 - AA - From the junction with US 31W near Munfordville to the junction with US 31E at Hardyville.
 - A - From the junction with US 62 in Clarkson (Grayson County)
- to the junction with US 31W in Munfordville; and from the junction with US 31E at Hardyville to the junction with KY 61, northwest of Greensburg.
- KY 89
 - AAA - From the junction with KY 52 in Irvine to the junction with KY 627 in Winchester.
 - AA - From quarry entrance, 5.3 miles southwest of US 421 near McKee to the junction with US 421 near McKee.
 - A - From the junction with KY 490 in Rockcastle County near the Laurel County line to quarry entrance, 5.3 miles southwest of US 421; and from the junction with US 421 at McKee to the junction with KY 52 in Irvine.
- KY 90
 - AAA - From the junction with I-65, west of Cave City to the junction with US 27 near Burnside (includes Albany business district).
 - AA - From the junction with US 27 at Parkers Lake in McCreary County to the junction with US 25W, 2.3 miles southwest of Deering in Whitley County.
- KY 91
 - AAA - From the junction with US 68, near the northwest city limits of Hopkinsville to 0.5 mile north of KY 1682; from the junction with KY 128, southeast of Princeton to the junction with Western Kentucky Parkway, north of Princeton; and from the junction with US 60 in Marion to the Ohio River at Cave in Rock.
 - AA - From 0.5 mile north of KY 1682, northwest of Hopkinsville to the junction with KY 128, southeast of Princeton; and from the junction with Western Kentucky Parkway, north of Princeton to KY 70, south of Fredonia.
- KY 92
 - AAA - From the junction with KY 90 in Monticello to the junction with US 27 near Pine Knot; and from the junction with I-75, west of Williamsburg to the junction with US 25W in Williamsburg.
 - AA - From the junction with US 27 near Pine Knot to the junction with I-75, west of Williamsburg; and from the junction with US 25W in Williamsburg to the junction with US 25E, north of Pineville.
 - A - From the junction with KY 55, southeast of Columbia to the junction with KY 90 in Monticello.
 - Note: No crossing at Lake Cumberland.
- KY 93
 - AAA - From the junction with KY 293, south of Eddyville to the junction with US 62 and 641 at Eddyville.
 - AA - From the junction with KY 139 at the Trigg-Caldwell County line to the junction with KY 293, south of Eddyville.
 - A - From the junction with US 62 at Kuttawa to the junction with KY 453, 3.8 miles west of Iuka in Livingston County.
- KY 94
 - AAA - From the junction with US 641 in Murray to the junction with US 68 at Aurora (Calloway-Marshall Counties).
 - AA - From the Tennessee state line, via Hickman and Water Valley to the junction with US 641 in Murray.
- KY 95
 - AAA - From the junction with US 68 near Palma in Marshall County to the junction with KY 1523, north of Calvert City.
 - A - From the junction with KY 1523, north of Calvert City to end of state maintenance, 0.25 mile north of KY 1523.
- KY 96
 - A - From the junction with KY 102 at Keysburg in southwest Logan County to the junction with US 431, south of Russellville.
- KY 97
 - A - From Tennessee state line in Graves County to the junction with KY 121 south of Mayfield.
- KY 98
 - AA - From the junction with US 31E at the east city limits of Scottsville to the junction with KY 100 at Fountain Run in Monroe County.
- KY 99

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- A - From Tennessee state line in Allen County to the junction with KY 100 at Holland, southeast of Scottsville.
- KY 100
 - AAA - From the junction with US 68 at the east city limits of Russellville to the junction with KY 87 at Fountain Run.
 - AA - From the junction with KY 87 at Fountain Run, via Gamaliel to the junction with KY 63 at Gamaliel; and from the junction with KY 163 in Tompkinsville to the Monroe-Cumberland County line.
 - A - From the Monroe-Cumberland County line to the junction with KY 90, west of Burkesville.
- KY 101
 - AAA - From the junction with US 31E at Scottsville to the junction with I-65 near Smiths Grove (Allen-Warren Counties).
 - AA - From the junction with I-65 near Smiths Grove to the junction with KY 259 at Rhoda in Edmonson County.
- KY 102
 - A - From the junction with US 68 in Elkton to Tennessee state line in Logan County.
- KY 103
 - A - From the junction with KY 100 at Middleton near the Simpson-Logan County line to the junction with KY 79 at Chandlers Chapel in Logan County.
- KY 104
 - A - From Tennessee state line in Todd County to the junction with KY 181, south of Elkton.
- KY 105
 - A - From the junction with KY 79, 0.7 mile west of Axtel in Breckinridge County to the junction with US 60 in Cloverport.
- KY 106
 - A - From the junction with KY 181 north of Elkton to the junction with KY 70, south of Rochester in Butler County.
- KY 107
 - A - From Fort Campbell gate in southwest Christian County to the junction with US 431 in Lewisburg.
- KY 108
 - A - From the junction with County Road at Glen Dean in Breckinridge County to the junction with KY 261, south of Hardinsburg.
- KY 109
 - AAA - From the junction with US 68 near the northwest city limits of Hopkinsville to a point 0.5 mile north of KY 1682; from the junction with US 62 at Dawson Springs to the junction with KY 56 near the Illinois state line in Union County.
 - AA - From a point 0.5 mile north of KY 1682 near Hopkinsville to the junction with US 62 at Dawson Springs.
 - A - From the junction with KY 115 at Street Elmo in Christian County to the junction with US 41 at Hopkinsville.
- KY 110
 - A - From the junction with KY 54 in Ohio County to the junction with KY 79 in Breckinridge County.
- Note: No crossing at Rough River Lake.
- KY 111
 - AA - From the junction with US 60 at Owingsville to the junction with KY 32, 2.4 miles southeast of Flemingsburg.
- KY 112
 - A - From US 62, east of Dawson Springs to the junction with US 41 in Earlington.
- KY 113
 - A - From the junction with KY 805 at Kona, via Millstone in Letcher County to 0.41 mile north of right fork Millstone Branch Road.
- KY 114
 - AAA - From the junction with KY 7 in Salyersville to the junction with US 23 at Prestonsburg.
- KY 115
 - A - From the Tennessee state line in Christian County to the junction with US 68 at Fairview at the Christian-Todd County line.
- KY 116
 - A - From the junction with KY 166 in Fulton County to the junction with US 51 in Fulton.
- KY 117
 - A - From the junction with US 41A, near south side of I-24 Interchange in Christian County to the junction with US 68 at Gracey near Trigg County line.
- KY 118
 - AAA - From the junction with Daniel Boone Parkway, northwest of Hyden to the junction with US 421 at Hyden.
- KY 119
 - AAA - From the junction with US 25E in Pineville, via Cumberland, Whitesburg, and Jenkins to West Virginia state line at Williamson.
- KY 120
 - AAA - From the junction with KY 109 in Providence to the junction with US 41A in Providence.
 - A - From the junction with US 60 in Marion to the junction with KY 109 in Providence.
 - A - From the junction with US 41A in Providence to the junction with US 41 at Slaughters.
- KY 121
 - AAA - From the Tennessee state line in Calloway County to the junction with US 51 at Wickliffe.
- KY 122
 - A - From the junction with KY 114, southwest of Prestonsburg to the junction with US 460 at Shelbiana (Floyd-Pike Counties).
- KY 123
 - AA - From the junction with KY 58 at Clinton to extending southwest to KY 239 at Oakwood Cemetery.
 - A - From the junction with KY 307, north of Fulgham in Hickman County to the junction with KY 58 at Clinton.
 - A - From the junction with KY 239 at Oakwood Cemetery to the junction with US 51 in Bardwell.
- KY 124
 - A - From the junction with KY 139 near Cadiz in Trigg County to the junction with KY 91 near Bainbridge in Christian County.
- KY 125
 - AAA - From the Tennessee state line in Fulton County to the junction with KY 94 in Hickman.
- KY 126
 - A - From KY 139 at Tandy Crossroads in Caldwell County to the junction with KY 128, northwest of Buffalo in Trigg County.
- US 127
 - AAA - From Tennessee state line at Static, via Albany, Wolfe Creek Dam, Jamestown, Liberty, Danville, Harrodsburg, Lawrenceburg, Frankfort, Owenton, Warsaw, and Florence to Ohio state line at the Clay Wade Bailey Bridge and suspension bridge in Covington.
- US 127 (Danville Bypass)
 - AAA - From the junction with US 127 south of Danville to the junction with US 127 north of Danville.
- KY 128
 - AAA - From the junction with KY 91, southeast of Princeton to entrance to Princeton Company Plant No. 1.
 - A - From entrance to Princeton Company Plant No. 1 to the junction with US 68, 0.3 mile west of the Trigg-Christian County line.
- KY 129
 - AA - From the junction with US 45E at Fulton, via Dukedom to the junction with KY 94 at Pilot Oak.
 - A - From the junction with KY 94 at Pilot Oak to the junction with KY 339, east of Wingo in Graves County.
- KY 130
 - A - From the junction with KY 109 at Henshaw in Union County to Ohio River at Uniontown.
- KY 131
 - AAA - From the junction with KY 348 at Symsonia to the junction with US 62 at Reidland.

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- AA - From the junction with KY 58 and KY 80 east of Mayfield to the junction with Jackson Purchase Parkway.
- A - From the junction with Jackson Purchase Parkway to the junction with KY 348 at Symsonia.
- KY 132
 - AAA - From the junction with US 41A at Dixon to entrance to Webster County Schools Bus Garage, approximately 0.2 mile east of KY 630; and from the junction with KY 494, 1.9 miles southwest of Sebree, extending northeast 1.466 miles to the entrance to Winiger White Corn Company (Webster County).
 - A - From the junction with KY 120 in eastern Crittenden County to the junction with US 41A, south of Dixon; and from entrance to Webster County Schools Bus Garage, east of Dixon to the junction with KY 494, 1.9 miles southwest of Sebree; and from Winiger White Corn Company Jefferson Street in Sebree.
- KY 133
 - A - From the junction with County Road, 1.2 miles south of Shelby's Store in Livingston County to the junction with KY 137 near Ohio River.
- KY 134
 - A - From the junction with KY 191 at Adele in Morgan County to the junction with US 460 near Elsie in Magoffin County.
- KY 135
 - A - From the junction with US 60 at Burna in Livingston County to the junction with KY 91, 1.4 miles south of Ohio River in Crittenden County.
- KY 136
 - AAA - From a point 0.3 mile east of KY 268, northwest of Henderson via Mills road, Sand Lane, and Madison Street to the junction with US 41 in Henderson; from the junction with KY 81 near North city limits of Calhoun to a point 0.9 mile northwest of the junction with KY 81; and from the junction with KY 81 near north city limits of Calhoun to a point 0.5 mile northeast of the junction with of KY 81.
 - A - From the junction with Mt. Vernon-Uniontown Road near the Ohio River in northwest Henderson County to a point 0.3 mile east of KY 268; from the junction with US 41 near Anthoston south of Henderson to a point 0.9 mile northwest of Calhoun in McLean County; and from a point 0.5 mile northeast of Calhoun to the junction with US 231, 1.4 miles north of Hartford.
- KY 137
 - A - From US 60 north of Smithland via Carrsville to the junction with KY 133, 2.3 miles northwest of Lola (Livingston County).
- KY 138
 - A - From the junction with KY 132, northeast of Dixon in Webster County to the junction with US 431 south of Livermore in McLean County.
- KY 139
 - AAA - From the junction with County Road 1214, 3.0 miles south of Princeton to the junction with KY 293 in Princeton.
 - AA - From the junction with US 68 at Cadiz to the junction with County Road 1214, 3.1 miles south of Princeton.
 - A - From the Tennessee state line in Trigg County to the junction with US 68 at Cadiz; and from the junction with KY 91 north of Princeton to the junction with KY 120, 1.4 miles northwest of Shady Grove in Crittenden County.
- KY 140
 - A - From the junction with KY 256 northwest of Poverty in McLean County to the junction with US 231, 1.0 mile north of Ohio County line.
- KY 141
 - A - From the junction with US 60 at Sullivan in Union County to the junction with KY 130 south of Uniontown.
- KY 142
 - A - From the junction with US 231 southeast of Owensboro to the junction with KY 144 at Ensor.
- KY 143
 - A - From the junction with KY 109, 2.5 miles south of Clay in Webster County to the junction with KY 109, 1.5 miles west of Wheatcroft.
- KY 144
 - AAA - From the junction with US 31W at Radcliff to the junction with KY 1500 in Vine Grove; and from the junction with US 60, 1.4 miles south of Garrett in Meade County to the junction with KY 448 near Buck Grove.
 - AA - From the junction with US 60 near Owensboro to the junction with KY 951 at Knottsville; and from the junction with KY 376 at Payneville in Meade County to the junction with KY 79, 3.1 miles southwest of Brandenburg; and from the junction with KY 710, 1.0 mile west of Ekron in Meade County to the junction with KY 448 near Buck Grove.
 - A - From the junction with KY 951 at Knottsville in Daviess County to the junction with US 60, west of Cloverport in Breckinridge County; from the junction with US 60 east of Cloverport via Stephensport, Union Star, Rhodelia, and Andyville to the junction with KY 376 at Payneville; from the junction with KY 79 southwest of Brandenburg to the junction with KY 710, 1.0 mile west of Ekron; and from the junction with US 60, 1.4 miles south of Garrett to the junction with KY 1500 in Vine Grove.
- KY 145
 - A - From the junction with US 41A at Poole near the Webster-Henderson County line to the junction with US 60 at Corydon in Henderson County.
- KY 146
 - AAA - From the junction with US 60 at Beechwood Village near Louisville to the junction with US 421 at New Castle.
- KY 147
 - AAA - From the junction with US 41, north of Slaughters in Webster County to the junction with KY 370 at Onton.
- KY 148
 - A - From the junction with KY 155 east of Fisherville in Jefferson County to the junction with KY 44 in Shelby County.
- KY 149
 - A - From the junction with US 421, 3.5 miles southeast of Manchester to the junction with Newberry Road 1.5 miles south of KY 66.
- US 150
 - AAA - From Indiana state line at Sherman Minton Bridge in Louisville via Bardstown, Springfield, Danville, and Stanford to the junction with US 25 in Mt. Vernon.
- US 150 (Danville Bypass)
 - AAA - From the junction with US 127 and 127 Bypass south of Danville to the junction with US 150 southeast of Danville.
- KY 151
 - AAA - From the junction with US 127 in Alton to the junction with US 60 near Graefenburg.
- KY 152
 - AA - From the junction with KY 49 north of Loretto in Marion County to the junction with US 150 northwest of Springfield; and from Mercer-Washington County line via Harrodsburg and Burgin to the junction with US 27 near Bryantsville in Garrard County.
 - A - From the junction with US 150 in Springfield to Washington-Mercer County line.
- KY 153
 - AAA - From the junction with KY 146 near south side of I-71 to the junction with US 42 at Sligo (Henry County).
 - A - From the junction with KY 1861, 0.5 mile west of Smithfield (Henry County) to the junction with KY 146, south of I-71.
- KY 154
 - AA - From the junction with US 27 near Grants Lick in Campbell County to the junction with KY 10 at Peach Grove in Pendleton County.
 - A - From the junction with KY 10 at Peach Grove to the junction with KY 8 at Carntown.
- KY 155
 - AAA - From the junction with KY 148 near Fisherville in Jefferson

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- County to the junction with US 31E in Louisville.
- A - From the junction with KY 55 at Elk Creek in Spencer County to the junction with KY 148 near Fisherville.
- KY 156
- A - From the junction with KY 11 south of Flemingsburg to the junction with KY 32, 1.1 miles northwest of Goddard.
- KY 157
- AAA - From the junction with US 42 at Henry-Trimble County line extending east approximately 1.5 mile to the Tyler Sanitary Landfill (Henry County).
- A - From the junction with KY 146 at New Castle to the Tyler Sanitary Landfill, west of Sulphur.
- KY 158
- A - From the junction with KY 32 near Hilda, northwest of Morehead via Sharkey and Hillsboro to South Harmon Road near Licking River in Fleming County.
- KY 159
- AA - From the junction with KY 22 near Falmouth to the junction with KY 10 at Mt. Auburn.
- KY 160
- AAA - From the junction KY 550 in Hindman to the junction with KY 80 north of Hindman (Knott County).
- AA - From the junction with KY 550 at Hindman to the junction with KY 15 at Cody; and from the junction with KY 463 at Gordon; via Cumberland and Benham to the Virginia state line (Knott-Letcher Counties).
- A - From the junction with KY 80 north of Hindman to the junction with KY 1087 at Vest; and from the junction with KY 15 at Van, northwest of Whitesburg to the junction with KY 463 at Gordon (Knott-Letcher Counties).
- KY 161
- A - From the junction with KY 170 at Flemingsburg Junction to the junction with KY 324 near Mays Lick (Fleming-Mason Counties).
- KY 162
- A - From the junction with US 62, 3.1 miles northeast of Bardstown to the junction with KY 48 in Bloomfield.
- KY 163
- AAA - From the Tennessee state line to the junction with US 68 in Edmonton.
- KY 164
- A - From the junction with US 68 in Canton in Trigg County to the junction with KY 272, west of Hopkinsville.
- Note: No crossing at Cumberland River.
- KY 165
- AA - From the junction with KY 32, 4.5 miles west of Flemingsburg to Robertson County State Maintenance Headquarters, north of Mt. Olivet.
- A - From Robertson County State Maintenance Headquarters to the junction with KY 10, 0.9 mile south of Powersville in Bracken County.
- KY 166
- AAA - From the junction with KY 125, 3.4 miles southeast of Hickman to the junction with US 51 near Fulton.
- KY 167
- A - From Tennessee state line in Wayne County to the junction with KY 90 in Monticello.
- KY 168
- A - From the junction with US 23 at Hoods Creek Road in Westwood to the junction with US 23 in Catlettsburg.
- KY 169
- AA - From north bank of Kentucky River in Jessamine County to the junction with US 68, northwest of Nicholasville.
- A - From the junction with US 25 in Richmond to south bank of Kentucky River at Madison-Jessamine County line; and from the junction with US 68, northwest of Nicholasville to the junction with KY 33, 2.3 miles south of Versailles.
- KY 170
- AAA - From the junction with KY 32 at Elizaville, 3.7 miles west of Flemingsburg to the junction with KY 860, north of beginning.
- A - From the junction with KY 57 at Hill Top in Fleming County to the junction with KY 32 at Elizaville; and from the junction with KY 860 to KY 324, 0.5 mile west of Helena in Mason County.
- KY 171
- A - From the junction with KY 106, 3.5 miles northeast of Elkton to the junction with US 62 in Greenville.
- KY 172
- AA - From the junction with US 460 at West Liberty to the junction with KY 40 northwest of Paintsville (Morgan-Johnson Counties).
- KY 173
- AAA - From the junction with KY 7 at Little Sandy in Elliott County to the junction with KY 32 at Wagner in Rowan County.
- KY 174
- AA - From the junction with US 60 at Hays Crossing in Rowan County to the junction with US 60 at Olive Hill.
- KY 175
- A - From the junction with KY 189 near Bancroft in Muhlenberg County via Graham to the junction with US 431, 0.8 mile north of Moorman, 1.5 miles south of McLean County line.
- KY 176
- AAA - From the junction with US 62 in Greenville, via Drakesboro to dead end at Paradise near the Green River (Muhlenberg County).
- KY 177
- AAA - From the junction with US 27 near Butler, extending east to west end of bridge over Flour Creek.
- AA - From the junction with KY 159, west of Mt. Auburn in Pendleton County to west end of bridge over Flour Creek; and from the junction with US 27 near Butler to the junction with I-275 underpass near Decoursey in Kenton County.
- A - From the junction with I-275 underpass near Decoursey to the junction with KY 16 at Southern Avenue in Covington.
- KY 178
- A - From the junction with KY 106 at Claymour in Todd County to the junction with US 68 near the west city limits in Russellville.
- KY 179
- A - From the junction with KY 38 at Louellen in Harlan County to the junction with US 119 in Cumberland.
- KY 180
- AAA - From the junction with US 60, 0.9 mile west of Cannonsburg to the junction with KY 3 at Laurel Creek.
- KY 181
- AAA - From the junction with US 79 at Tiny Town near the Tennessee state line to the junction with Latham Road (CR5040), 9.415 miles north of US 68 in Elkton.
- A - From the Latham Road, 9.4 miles north of US 68 in Elkton to the junction with KY 81 near the Muhlenberg-McLean County line (Todd-Muhlenberg Counties).
- KY 182
- AAA - From Grahns, Kentucky in Carter County, east of Olive Hill to extending north to Carter Caves State Park.
- A - From the junction with KY 986 near Pine Springs Church in Carter County to Grahns; and from Carter Caves State Park to end of state maintenance at Rooney in northwest Carter County.
- KY 183
- A - From the junction with KY 70 near the north city limits of Brownsville to US Lock No. 6 at Green River.
- KY 184
- A - From the junction with KY 47 at the Carroll-Gallatin County line to the junction with US 42, west of Ethridge in Gallatin County.
- KY 185
- AAA - From the junction with Kentucky Street (US 68) in Bowling Green to a point approximately 0.6 mile northeast of the junction with KY 263.
- KY 185 South
- AAA - From the junction with 11th and Adams Streets in Bowling

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- Green, via Adams Street to the junction with Adams and Main Streets.
- A - From a point 0.6 mile northeast of KY 263 in Warren County to the junction with US 62 in Caneyville.
- KY 186
A - From the Tennessee state line to the junction with KY 74 in Middlesboro.
- KY 187
A - From the junction with KY 70 near Huff in Edmonson County to the junction with US 62, 1.4 miles southwest of Leitchfield.
- KY 188
A - From the junction with US 25E at Bear, 3.6 miles north of Middlesboro to Colmar.
- KY 189
AAA - From the junction with US 62, southwest of Greenville, extending northwest to another junction with US 62, north of Greenville; Also, from the junction with US 62 at southwest city limits of Central City to the junction with US 431 near South Carrollton.
- A - From the junction with KY 507 west of Allegre in Todd County to the junction with US 62, southwest of Greenville in Muhlenberg County.
- KY 189 Connector
AAA - From the junction with US 62 near the north city limits of Greenville, extending eastward 0.135 mile to the junction with 189.
- KY 190
AA - From the junction with KY 1595 near Peal at the Whitley-Bell County line to Tennessee state line.
- A - From the junction with KY 1595 near Pearl in Bell County to the junction with US 25E, south of Pineville.
- KY 191
AA - From the junction with KY 15 at Campton, via Stillwater, Hazel Green, and Caney to the junction with US 460 at Index in Morgan County.
- KY 192
AAA - From the junction with KY 80 near Somerset, via Mt. Victory to Rockcastle River Bridge; and from the junction with I-75 near London to Boggs Road, 1.2 miles west of I-75.
- A - From Rockcastle River Bridge at the Laurel-Pulaski County line to a point 1.2 miles southwest of I-75 near London; and from the junction with I-75 near London to the junction with US 25 in London.
- KY 193
AA - From the junction with US 421, 2.0 miles northwest of New Castle to the junction with KY 389, 1.2 miles northeast of Port Royal.
- KY 194
A - From the junction with KY 1428, southeast of Prestonsburg to the Virginia state line in Pike County.
- KY 195
A - From the junction with KY 197 at Ashcamp in Pike County to the junction with US 460 near Marrowbone.
- KY 196
A - From the junction with KY 80 at Nancy in Pulaski County to end of state maintenance, 300 feet north of 4-H Camp Road in Wayne County.
- KY 197
AA - From the junction with US 23 at Shelby Gap to the junction with KY 80 at Elkhorn City.
- KY 198
A - From the junction with KY 70 at Yosemite in Casey County to the junction with KY 78 at Turnersville in Lincoln County.
- KY 199
A - From the junction with KY 632, 7.3 miles west of Phelps in Pike County to the junction with US 119 at Huddy.
- KY 200
A - From the Tennessee state line in Wayne County to the junction with KY 167, southwest of Monticello.
- KY 201
A - From the junction with US 23, 3.0 miles northwest of Paintsville to the junction with KY 1 at Webbville in Lawrence County.
- KY 202
A - From the junction with US 421 near New Castle to the junction with KY 389 near the Kentucky River in northeast Henry County.
- KY 203
AA - From the junction with KY 191 at Hazel Green in Wolfe County to the junction with US 460 near Mize in Morgan County.
- KY 204
A - From the junction with KY 296 at west side of I-75 Interchange at Williamsburg, extending northwest and northeast to a point 1.4 miles northeast of US 25 at Clio.
- KY 205
AA - From the junction with KY 15 at Vancleve in Breathitt County to the junction with US 460 2.4 miles east of Grassey Creek in Morgan (Breathitt-Wolfe-Morgan Counties).
- KY 206
AA - From the junction with KY 55 in Columbia to the junction with KY 70 near Mt. Pleasant Church in Casey County.
- KY 207
AAA - From the junction with KY 1, 4.5 miles south of US 23 at Greenup to the junction with US 23 near the north city limits of Russell (Greenup County).
- A - From the junction with KY 1654 at Norton Branch, via Norton Branch Road to the junction with KY 1, 4.5 miles south of US 23 at Greenup (Carter-Greenup).
- KY 208
AAA - From the junction with US 68 near Lebanon extending south 1.7 miles (Marion County).
- A - From the junction with US 68, 1.6 miles south of Marion County Line, via Calvary to a point 1.7 miles south of US 68 near Lebanon (Taylor-Marion Counties).
- KY 209
A - From the junction with US 60, 1.4 miles north of Counts Crossroads in Carter County, extending north and east to the junction with KY 182, south of Carter Caves State Park.
- KY 210
AAA - From the junction with US 31W in Elizabethtown to the junction with KY 1618, south of Hodgenville (Hardin-Larue Counties).
- AA - From the junction with KY 1618 at Hodgenville to the junction with US 68 at Campbellsville (Larue-Green-Taylor Counties).
- KY 211
AA - From the junction with KY 36, 0.6 mile north of the Bath-Menifee County line to the junction with US 60 at Salt Lick.
- A - From the junction with US 60, 0.4 mile northwest of Salt Lick to the junction with KY 111 at Grange City in Fleming County.
- Note: No crossing of Licking River at Bath-Rowan County line.
- KY 212
AAA - From the junction with KY 20 near north side of I-275 Interchange in Boone County to main entrance to Greater Cincinnati Airport.
- KY 213
AAA - From the junction with Mountain Parkway at Stanton to the junction with US 460 at Jeffersonville in Montgomery County.
- A - From the junction with KY 52 at Pitts in Estill County to the junction with Mountain Parkway at Stanton; and from the junction with US 460 at Jeffersonville to the junction with KY 713 near Antioch Church (Montgomery County).
- KY 214
A - From the junction with KY 100, 5.7 miles east of Tompkinsville in Monroe County to the junction with KY 61, northeast of Peytonsburg, in Cumberland County.

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- KY 215
A - From the junction with KY 38 at Evarts in Harlan County to end of state maintenance, 0.6 mile east of Dizney.
- KY 216
A - From the junction with KY 163 at Hestand in Monroe County to the Tennessee state line.
- KY 217
A - From the junction with KY 988, 4.7 miles northeast of Middlesboro to the junction with KY 987, 1.6 miles west of Cubage.
- KY 218
AAA - From the junction with I-65, northwest of Horse Cave to the junction with US 31E, east of Horse Cave.
A - From beginning of state maintenance at the Davis Williams Road near Northtown in Hart County to the junction with I-65, northwest of Horse Cave; and from the junction with US 31E, east of Horse Cave to the junction with US 68 in Green County, 6.0 miles south of Greensburg.
- KY 219
A - From the junction with Twila Road at Creech in Harlan County to the junction with US 119 at Wallins Creek.
- KY 220
A - From the junction with KY 447, north of Elizabethtown to the junction with KY 333 at the Hardin-Meade County line.
- KY 221
AA - From the junction with KY 66 at Straight Creek, northeast of Pineville to the junction with US 421, north of Harlan.
A - From the junction with US 421, north of Harlan to the junction with KY 699 at the Leslie-Perry County line.
- KY 222
AAA - From the junction with I-65, south of Elizabethtown to the junction with US 31W.
A - From the junction with US 62, 5.4 miles southwest of Elizabethtown to the junction with I-65, south of Elizabethtown; and from the junction with US 31W, south of Elizabethtown to the junction with KY 84, southwest of Hodgenville.
- KY 223
A - From the junction with US 25E, 2.5 miles northwest of Flat Lick in Knox County, via Dewitt, Hammond, Salt Gum, and Scalf to the junction with KY 718, 0.5 mile northeast of Walker.
- KY 224
A - From the junction with US 62 at Clarkson in Grayson County to the junction with KY 357 at Brooks in Larue County.
- KY 225
A - From the junction with KY 92, 1.6 miles southwest of Ingram in Bell County to the junction with US 25E near the southeast city limits of Barbourville.
- KY 226
A - From the junction with KY 259 at Meredith in Grayson County to the junction with KY 88, 1.4 miles south of Johnson Crossroads.
- KY 227
AAA - From the junction with US 460 near Great Crossings in Scott County to the junction with KY 368, 1.1 miles north of Stamping Ground; and from the junction with KY 355 in Owen County near the Carroll County line to the junction with KY 36 at Carrollton.
A - From the junction with KY 368, 1.1 miles north of Stamping Ground to the junction with KY 355 in Owen County.
- KY 228
A - From the junction with KY 144 near Addyville in Meade County to the junction with KY 448 in Brandenburg.
- KY 229
AA - From the junction with US 25E, north of Barbourville to the junction with US 25 in London.
- KY 230
A - From the junction with KY 144 in Meade County, 1.8 miles east of the Breckinridge County line to the junction with KY 144, 1.9 miles northwest of Andyville.
- US 231
AAA - From Tennessee state line, via Scottsville, Bowling Green, Morgantown, and Hartford to Indiana state line at Owensboro (includes business route in Bowling Green).
- KY 232
A - From the junction with KY 259, 2.1 miles south of Harned in Breckinridge County, via Kingswood to a point 900 feet east of Kingswood Lake Road.
- KY 233
A - From the junction with KY 6, 2.0 miles west of Dishman Springs in Knox County to the junction with KY 830 in Laurel County.
- KY 234
A - From the junction with US 31W S.B. (College Street) in Bowling Green to the junction with KY 101, north of Scottsville.
- KY 235
A - From beginning of state maintenance at the junction with of D. Clark Road in southwest Pulaski County to the junction with KY 80 at Nancy.
- KY 236
AAA - From service entrance to Greater Cincinnati Airport, 0.3 mile west of the KY 212 Interchange to the junction with I-75 in Kenton County.
AA - From the junction with I-75 to the junction with US 25 in Erlanger.
A - From the junction with US 25 in Erlanger to the junction with KY 1303, southeast of Erlanger.
- KY 237
AA - From the junction with KY 18, northwest of Florence in Boone County to the junction with I-275.
A - From the junction with US 42, 0.4 mile southwest of Florence to the junction with KY 18, northwest of Florence; and from the junction with I-275, via Francisville to the junction with KY 8 in northern Boone County.
- KY 238
A - From the junction with KY 185, 0.3 mile north of Big Reedy in Edmonson County, extends west, north, and southeast to the junction with KY 259 at Bee Springs.
- KY 239
AA - From Tennessee state line in Fulton County to the junction with KY 123 at Oakwood Cemetery, southwest of Clinton in Hickman County.
- KY 240
AA - From the junction with US 68 near the Warren-Logan County line to the junction with US 31W south of Bowling Green.
A - From the junction with US 31W south of Bowling Green to the junction with US 231 at Allen Springs in Allen County.
- KY 241
A - From the junction with KY 43 at Cropper in Shelby County to the junction with US 421 at Pleasureville in Henry County.
- KY 242
A - From the junction with US 68, 0.5 mile northwest of Rockfield in Warren County to the junction with KY 622, 2.3 miles south of Plano.
- KY 243
A - From the junction with KY 78, 0.9 mile northeast of Peyton's Store in Casey County to end of state maintenance at the Marion-Washington County line.
- KY 244
A - From the junction with KY 2543 (Ferry Street) in Russell to a point 0.08 mile southwest of Butler Avenue in Worthington.
- KY 245
AAA - From the junction with US 150 east of Bardstown to the junction with KY 61, 4.9 miles south of Shepherdsville.
- KY 246
A - From the junction with KY 176 near the west city limits of

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- Drakesboro to the junction with US 431 at Beechmont, south of Drakesboro.
- KY 247
AA - From the junction with KY 52, 3.2 miles east of New Haven in Nelson County to the junction with US 31E at Culverton, southwest of Bardstown.
A - From the junction with KY 84 at Howardstown in southern Nelson County to the junction with KY 52, 0.9 mile east of New Haven.
- KY 248
A - From the junction with KY 44, southwest of Little Mount to the junction with US 62 near Johnsonville in Anderson County (Spencer-Anderson Counties).
- KY 249
AAA - From the intersection with Trojan Trail (KY 3218) in Glasgow to the junction with US 31E Business Route on south Green Street in Glasgow (Barren County).
A - From the junction with KY 100 near Flippin in Monroe County to the junction with Trojan Trail (KY 3218) in Glasgow (Monroe-Barren County).
- KY 250
A - From the junction with KY 136, 1.6 miles west of Calhoun in McLean County to the junction with US 431, 3.4 miles north of Livermore.
- KY 251
AAA - From the junction with US 62 near the southwest city limits of Elizabethtown, via College Street to the junction with Elizabethtown Bypass (US 31W).
AA - From the junction with Elizabethtown Bypass to the junction with KY 434, north of Elizabethtown.
- KY 252
A - From the junction with US 31E at Cedar Springs in Allen County to the junction with US 31E in Barren County, 2.0 miles southwest of Glasgow.
- KY 253
A - From the junction with KY 86, 0.6 mile west of Cecilia in Hardin County to the junction with KY 1357, 6.0 miles west of Elizabethtown.
- KY 254
AAA - From the junction with KY 70 in Madisonville to the junction with KY 892.
A - From the junction with KY 892, northeast of Madisonville to the junction with KY 81 in Sacramento (Hopkins-McLean County).
- KY 255
AAA - From the junction with US 31W at Park City to the junction with I-65.
A - From the junction with KY 252 at Rocky Hill in Barren County to the junction with US 31W at Park City; and from the junction with KY 70, west of Highland Springs to Mammoth Cave park boundary.
- KY 256
A - From the junction with KY 56 in Beech Grove in McLean County to the junction with KY 81 in Calhoun; and from a point 1003.3 feet west of east city limit of Calhoun, along 2nd Street to east city limit of Calhoun at east end of Myer Creek Bridge.
- KY 257
A - From the junction with KY 421, in Hyden to end of state maintenance at Confluence in northern Leslie County.
- KY 258
A - From the junction with KY 56 in northwest McLean County to the junction with KY 56 near Saint Joseph in Daviess County.
- KY 259
AAA - From the Western Kentucky Parkway to the junction with US 62 in Leitchfield (Grayson County).
AA - From the junction with US 68 at Hays in Warren County to the Western Kentucky Parkway, south of Leitchfield; and from the junction with US 62 in Leitchfield to the junction with US 60 at Harned in Breckinridge County.
- A - From the junction with US 60 in Hardinsburg to the junction with KY 144, 1.7 miles northwest of Rhodelia in Meade County.
- KY 260
A - From the junction with KY 1069, west of Hanson in Hopkins County to the junction with US 41 in Hanson; and from the Pennyryle Parkway, east of Hanson to the junction with KY 254, 3.6 miles east of Hanson (Hopkins County). Note: Section from US 41 to Pennyryle Parkway is not state maintained.
- KY 261
AA - From the junction with KY 54 at Fordsville in Ohio County to the junction with US 60 at Hardinsburg.
A - From the junction with US 60 in Hardinsburg, via Lodiburg and Webster to the junction with KY 79 near Midway in Meade County.
- KY 262
A - From the junction with KY 630, 2.1 miles south of Manitou (Hopkins County) to the junction with US 41A in Madisonville.
- KY 263
A - From the junction with KY 185, 5.3 miles north of Bowling Green, via Richardsville, Riverside, the Riverside Road and Ridge Road to the junction with Old KY 263 Road near the Butler County Line (Warren County).
- I-264
AAA - From I-64 near the Indiana state line in west Louisville to the junction with I-71, northeast of Louisville.
- I-265
AAA - From the junction with I-65 south of Louisville, via Gene Snyder Freeway, to the junction with I-71 northeast of Louisville (Jefferson County).
- KY 266
A - From the junction with KY 136 near Smith Mills in Henderson County to the junction with US 41A, 7.0 miles southwest of Henderson.
- KY 267
A - From beginning of state maintenance near First Creek Bridge at Typo, via Bonnyman, Clemons, and Dice in Perry County to the junction with KY 476 near Stacy.
- KY 268
A - From the junction with KY 136, 0.7 mile east of Alzey in Henderson County to the junction with KY 136 at Geneva, 2.2 miles west of Henderson.
- KY 269
A - From the junction with KY 403, 4.4 miles northwest of Morgantown in Butler County to the junction with US 231, 3.1 miles southeast of Beaver Dam in Ohio County.
- KY 270
AAA - From Webster County Coal Corp. entrance extending east 4.6 miles to the junction with US 41A, 2.8 miles north of Providence.
A - From the junction with KY 130, 0.8 mile east of Henshaw in Union County to Webster County Coal Corp. entrance in Webster County.
- KY 271
AAA - From the junction with US 60 near Petrie in Hancock County to the Ohio River.
A - From the junction with KY 1389 near Utility, 4.5 miles southwest of Hawesville to the junction with US 60 near Petrie.
- KY 272
AAA - From the junction with US 68, 3.2 miles southwest of Cadiz in Trigg County to the junction with KY 1175.
A - From the junction with KY 1175 to the junction with KY 107 in Hopkinsville.
- KY 273
A - From the junction with US 62 in Beaver Dam to the junction with KY 69, 2.0 miles southwest of Hartford.
- KY 274
A - From the junction with KY 93 at Confederate in Lyon

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- County to the junction with US 68, 0.5 mile southwest of Cadiz in Trigg County.
- I-275
AAA - From the Indiana state line to the Ohio state line (Boone-Kenton-Campbell Counties).
- KY 276
A - From the junction with KY 139 at Black Hawk in southern Caldwell County to the junction with US 68 at Montgomery in Trigg County.
- KY 277
A - From junction US 62 at north side of Western Kentucky Parkway, via Central City to the junction with KY 1379 (Muhlenberg County).
- KY 278
A - From the junction with KY 91 in Princeton to the junction with KY 672 near Crossroads Church, east of Princeton.
- KY 279
A - From the junction with KY 815, one and seven-tenths (1.7) miles southeast of West Louisville in Daviess County to the junction with Wimsatt Road at Gaw.
- KY 280
A - From the junction with KY 94, 1.7 miles northeast of Murray to the junction with KY 121, 0.9 mile west of New Concord.
- KY 281
AAA - From the junction with US 41A near the north city limits of Madisonville to a point 2865 feet east of US 41 in Madisonville.
A - From 2865 feet east of US 41 to the junction with KY 2338; and from junction KY 862 to the junction with KY 138 at Jewell City (Hopkins County).
Note: Section from KY 2338 and KY 862 is not state maintained.
- KY 282
AAA - From the junction with the city street which is six-tenths (0.6) mile northeast of the junction of KY 282 and KY 95 in Calvert City to the junction with KY 1523 east of Calvert City in Marshall County.
AA - From the junction with KY 95 at Calvert City extending north six-tenths (0.6) mile to the junction with the city street; and from KY 1523 to the junction with US 62 at Gilbertsville in Marshall County.
- KY 283
A - From the junction with KY 132, 4.0 miles northeast of Dixon to the junction with US 41, 3.2 miles south of Anthoston in Henderson County.
- KY 284
AAA - From the junction with Bridge Street in east Paducah to Clarks River Bridge.
A - From Clarks River Bridge to the junction with KY 131 at Reidland; and from the junction with KY 131 near south side of I-24 to extends southeast 0.5 mile to the junction with US 68.
- KY 285
A - From the junction with US 41A, southwest of Henderson to the junction with KY 136 in Henderson.
- KY 286
AAA - From the junction with KY 121 in Wickliffe to the junction with US 62, 1.4 miles west of Camelia in McCracken County.
- KY 287
A - From the junction with KY 107 at Bennettstown in Christian County to the junction with KY 164 at Peedee, near the Trigg County line.
- KY 288
A - From the junction with US 51, 4.2 miles north of Clinton to the junction with KY 703.
- KY 289
A - From the junction with US 68 in Campbellsville, via Hobson, Finley, and Jessietown to the junction with US 68 near Belltown (Taylor-Marion Counties).
- KY 290
A - From the junction with US 421 in McKee to the junction with KY 30, west of Annville.
- KY 291
A - From the junction with KY 70, 1.2 miles east of Hopkins-Caldwell County line, via Dalton to the junction with KY 109 near Stony Point Church.
- KY 292
AA - From the junction with US 119 at South Williamson to extending north to the junction with KY 468.
A - From the junction with Lower Stringtown Branch Road near Burnwell in eastern Pike County to the junction with US 23 at Goody, south of South Williamson; and from the junction with KY 468 at the Pike-Martin County line to the junction with KY 3, 0.3 mile south of Martin-Lawrence County line.
- KY 293
AAA - From the junction with KY 93, south of Eddyville to the junction with KY 70 at Fryer in Caldwell County.
A - From the junction with KY 70 at Fryer to the junction with KY 109 in Providence; from the junction with KY 120 in Providence to a point 0.65 mile north of KY 120; from a point 1.05 mile north of KY 120 in Providence to a point 1300 feet south of Lutontown-Lisman Road; and from a point 580 feet south of Slover Creek Ditch, north of Providence to end of state maintenance, 0.553 mile north of beginning.
Note: Omitted sections above and the remainder of this route in Webster County to KY 270 at Lisman, are not state maintained.
- KY 294
A - From the Tennessee state line in Todd County to the junction with KY 181 in Tiny Town.
- KY 295
AAA - From the junction with US 62 at Eddyville extending northwest for three and one-half (3.5) miles to the entrance to Travis Auto Sales in Lyon County.
A - From the junction with US 62 in Kuttawa to the junction with US 62 in Eddyville; and from a point three and one-half (3.5) miles northwest of US 62 in Eddyville to the junction with KY 70 at Dycusburg in Crittenden County.
- KY 296
A - From the junction with KY 92, southwest of Williamsburg to the junction with US 25W in Williamsburg.
- KY 297
AAA - From the junction with US 60, 4.0 miles southwest of Marion to the junction with KY 135, 1.2 miles southeast of the Ohio River (Crittenden County).
- KY 298
AAA - From the junction with US 231 (South Triplett Street in Owensboro), via Old Hartford Road to entrance to GE Tub Plant in Owensboro.
A - From entrance to GE Tube Plant in Owensboro to the junction with US 431, 4.0 miles south of Owensboro.
- KY 299
A - From the junction with KY 94, four (4) miles west of Murray at Stella in Calloway County to the junction with KY 80 in Marshall County, 2.5 miles east of Brewers.
- KY 300
A - From the junction with KY 34 at Parksville in Boyle County to the junction with US 127 in Junction City; and from junction US 127 in Lincoln County near the Boyle County line to the junction with KY 78 near the southwest city limits of Stanford.
- KY 301
A - From the junction with KY 58 and 80, 5.8 miles northeast of Mayfield to the junction with KY 408, 1.2 miles south of Clear Springs.
- KY 302
A - From the junction with KY 1428, 0.7 miles north of Hager Hill in Johnson County, via West Van Lear, Van Lear, and across Dewey Dam to the junction with KY 3 southeast of Auxier in Floyd County line.
- KY 303

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- AA - From the junction with KY 94, 3.6 miles west of Lynnnville, via Cuba to the junction with KY 121 at Mayfield (Graves County).
- A - From the Tennessee state line in Graves County to the junction with KY 94.
- KY 305
 - AAA - From the junction with US 45 at Julia Street in Paducah to the junction with KY 358 near Maxon.
 - A - From the junction with US 60, 5.8 miles southwest of Paducah to the junction with KY 358 near Maxon.
 - A - From the junction with US 45 at Julia Street in Paducah to the junction with US 45 Business Route at 13th Street and Kentucky Avenue
- KY 306
 - A - From the junction with KY 122 near the north city limits of Wheelwright, via Wheelwright to end of state maintenance, 2.79 miles south of KY 122.
- KY 307
 - AAA - From the junction with US 45 at Fulton to the junction with Jackson Purchase Parkway.
 - AA - From the junction with Jackson Purchase Parkway to the junction with KY 1173, north of KY 80 in Carlisle County.
 - A - From the junction with KY 1173 in Carlisle County to the junction with US 62, 1.6 miles east of Cunningham.
- KY 308
 - A - From beginning of state maintenance at the Kate Camp Branch Road in Pike County 2.8 miles west of US 119 to the junction with US 119, 1.5 miles south of South William-son.
- KY 309
 - A - From the Tennessee state line in Fulton County to the junction with KY 94 in Hickman.
- KY 310
 - A - From the junction with US 60 two (2) miles east of LaCen-ter in Ballard County to the junction with KY 1105 at Oscar.
- KY 311
 - A - From the Tennessee state line in Fulton County to the junction with KY 94, west of Hickman.
- KY 312
 - A - From the junction with KY 192 near High Top in Laurel County to the junction with US 25E in Corbin (Whitley County).
- KY 313
 - AAA - From the junction with US 31W at the south city limits of Radcliff to the junction with KY 144 near Vine Grove (Hardin County).
- KY 314
 - A - From the junction with KY 70 at Halfway in Barren County to the junction with KY 218 at the Metcalfe-Green County line.
- KY 315
 - A - From the junction with KY 28, 2.5 miles southwest of Crockettville in Breathitt County to the junction with KY 30, approximately 8.7 miles southwest of Jackson.
- KY 316
 - A - From the junction with US 421, south of Ewingsford in Trimble County to the junction with KY 55, 0.2 mile north of I-71 in Trimble County.
- KY 317
 - AA - From the junction with KY 805 at Neon Junction, via Neon to the junction with KY 7 at Deane.
- KY 319
 - A - From the junction with KY 1056, 1.6 miles northeast of Ransom in Pike County to the junction with US 119 at Toler.
- KY 320
 - A - From the junction with US 42 in Carrollton to the junction with KY 227, south of Carrollton.
- KY 322
 - AA - From the junction with KY 1861 in Smithfield (Henry County) to the junction with KY 53 in Shelby County.
- KY 323
 - AA - From the junction with KY 61 at Summersville in Green County to Gabe, southwest of beginning.
 - A - From the junction with KY 566 at Eve in western Green County to Gabe, and from the junction with KY 61 at Summersville to the junction with KY 3183 in Campbells-ville.
- KY 324
 - A - From the junction with US 62, east of Sardis in Mason County to the junction with KY 11 at Wedonia.
- KY 325
 - A - From the junction with KY 355 at Moxley in Owen County to the junction with KY 227, 1.8 miles west of New Liberty.
- KY 326
 - A - From the junction with US 127 near the north city limits of Lawrenceburg to the junction with Lane Mill Road at Ninevah.
- KY 327
 - A - From the junction with KY 84 at Saint Mary in Marion County to the junction with KY 49, 3.4 miles southeast of Loretto.
- KY 328
 - A - From the junction with KY 70 near Polly Ann Church, via Waynesburg and Bee Lick to the junction with KY 618, 0.3 mile west of Quail (Lincoln-Pulaski-Rockcastle Counties).
- KY 329
 - AAA - From the junction with KY 146 in Crestwood to the junction with KY 1694 west the junction with (Oldham County).
 - A - From the junction with KY 1694 in Oldham County to the junction with US 42 near Prospect in Jefferson County.
- KY 329 Bypass
 - AAA - From the junction with KY 146 in Crestwood to the junction with KY 139 near the south limits of I-71 (Oldham County).
- KY 330
 - A - From the junction with KY 227, 3.4 miles southeast of Owenton to the junction with US 27 at Falmouth.
- KY 331
 - AAA - From the junction with US 60, Henderson Road in Owens-boro via Industrial Drive and Lower River Road to the CSX Railroad tracks near Griffith Station Road.
- KY 332
 - A - From the junction with KY 245, northwest of Bardstown to the junction with US 31E, north of Bardstown.
- KY 333
 - A - From the junction with KY 261 at Webster in Breckinridge County to the junction with KY 144, 0.4 mile south of US 60 in Meade County.
- KY 334
 - AAA - From the junction with US 60 at Maceo in Daviess County to the junction with KY 657 at Lewisport; and from the junction with KY 271, northwest of Hawesville to entrance to Big Rivers Steam Generating Plant.
 - A - From the junction with KY 657 at Lewisport to entrance to Big Rivers Steam Generating Plant; and from the junction with KY 271, northwest of Hawesville to the junction with KY 3101 in Hawesville.
- KY 335
 - A - From the junction with US 31W at northeast city limits of Cave City to the junction with KY 218 in Horse Cave; and from the junction with KY 218 at east side of I-65, north-west of Horse Cave to the junction with US 31W at Row-letts.
- KY 336
 - A - From the junction with US 41A in Earlington via Grapevine to the junction with US 41A at Victoria, north of Earlington (Hopkins County).
- KY 337
 - A - From the junction with KY 70 at Mannsville in Taylor County to the junction with KY 243, south of Gravel Switch in Marion County.
- KY 338

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- AAA - From the junction with US 25, north of Walton to the junction with I-75; and from the C. G. and E. County generating plant, approximately 0.3 mile west of the Stephens Road, to the junction with KY 18 (Boone County).
- A - From the junction with I-75, north of Walton, via Beaverlick, Big Bone and to C. G. and E County generating plant; and from the junction with KY 18 to the junction with KY 20 at Idlewild.
- KY 339
- AAA - From the junction with US 45 in Wingo in Graves County to the junction with KY 58, west of Wingo.
- A - From the junction with KY 564, 2.5 miles south of Farmington in Graves County to the junction with US 45 in Wingo; and from the junction with KY 58, west of Wingo to the junction with US 45, 0.3 miles of Lone Oak in McCracken County.
- KY 340
- A - From the junction with KY 70 at Huldeville to the Grayson County line at Neafus (Butler County).
- KY 341
- A - From the junction with US 421, northeast of Midway to the Scott County line.
- KY 342
- AAA - From the junction with KY 33, 1.5 miles south of Pleasant Hill (Mercer County) to Dix Dam Road (CR 1114) at Curdsville.
- A - From Dix Dam Road at Curdsville extending southwest to the junction with KY 33 in Burgin (Mercer County).
- KY 343
- A - From the junction with KY 317 at Neon in Letcher County to end of state maintenance 1.10 miles northeast of McRoberts.
- KY 344
- AA - From the junction with KY 59, 4.6 miles south of Vanceburg to the junction with KY 377 near Stricklett.
- A - From the junction with KY 57, 0.8 mile northeast of Mt. Carmel in Fleming County to the junction with KY 377 near Stricklett in Lewis County.
- KY 345
- A - From Fort Campbell boundary in southern Christian County to the junction with KY 695, 1.0 mile northeast of Church Hill.
- KY 346
- A - From the junction with US 41 in Guthrie (Todd County) to the junction with US 79, northwest of Guthrie.
- KY 347
- A - From the junction with KY 920 near Limp in southwest Hardin County to the junction with Dry Ridge Road, 0.9 mile north of Grayson County line.
- KY 348
- AAA - From the junction with Jackson Purchase Parkway, northwest of Benton to the junction with US 641 in Benton.
- A - From the junction with US 45 in McCracken County to the junction with Jackson Purchase Parkway, northwest of Benton.
- KY 349
- A - From a point 0.841 mile south of US 62 at White Plains to the junction with US 62 at White Plains.
- KY 350
- A - From the junction with US 127 in Albany to the junction with KY 90, 0.2 mile south of Cartwright.
- KY 351
- AAA - From the junction with US 41A in Henderson, via 2nd Street and Owensboro Road to the junction with US 41 Bypass.
- A - From the junction with North Adams Lane near the east city limits of Henderson to the junction with KY 416 at Hebbardsville.
- KY 352
- A - From the junction with Parine Pike in southern Bracken County, 0.3 mile north of the Robertson County line to the junction with KY 875 at Stonewall.
- KY 353
- AAA - From the junction with US 62, southwest of Cynthiana to entrance to Genet Quarry near the Bourbon-Harrison County line.
- AA - From the junction with new Circle Road (KY 4), via Russell Cave Pike to entrance to Genet Quarry.
- KY 354
- A - From the junction with KY 80 near L & N RR in London to the junction with Daniel Boone Parkway.
- KY 355
- AA - From the junction with KY 22 at Gratz in Owen County to the junction with KY 227 near the Carroll County line.
- KY 356
- AAA - From the junction with KY 36 in Cynthiana to 1.1 miles west of KY 36 at entrance to New Dixie Tobacco Warehouse.
- A - From the junction with US 25 near Stonewall in Scott County to entrance to New Dixie Tobacco Warehouse, west of Cynthiana.
- KY 357
- A - From the junction with US 31W in Munfordville to the junction with KY 84, 2.4 miles southwest of Hodgenville.
- KY 358
- AAA - From the junction with KY 996 at Grahamville to the junction with KY 305 near Maxon (McCracken County).
- A - From the junction with KY 286, 2.5 miles west of Gage in Ballard County, via LaCenter and Rossington to the junction with KY 996.
- KY 359
- A - From the junction with US 60 in Morganfield to the junction with KY 136 at Smith Mills in Henderson County.
- KY 360
- A - From the junction with KY 56, 4.2 miles west of Morganfield to the junction with KY 359, 0.9 mile southwest of Henderson County line.
- KY 362
- AA - From the junction with KY 22 at Pewee Valley in Oldham County to the junction with KY 53 near Chestnut Grove in Shelby County.
- KY 363
- A - From the junction with KY 312 near Keavy in Laurel County to the junction with US 25 in London.
- KY 364
- A - From the junction with US 460 at Cottle in Morgan County to the junction with KY 1081, 0.6 mile east of Maggard in Magoffin County.
- KY 365
- A - From the junction with US 60 at Hoods in Crittenden County to the junction with US 60 in Sturgis.
- KY 366
- A - From the junction with KY 1499 at Feds Creek in Pike County to the junction with Jones Fork Road.
- KY 367
- A - From the junction with KY 170 at Elizaville in Fleming County to the Mason County line.
- KY 368
- A - From the junction with US 127, 2.7 miles south of Monterey in Owen County to the junction with KY 227, north of Stamping Ground in Scott County.
- KY 369
- AA - From the junction with KY 70 at Rochester to south approach to Green River Ferry.
- A - From north approach to Green River Ferry in Ohio County to the junction with US 231 near the south city limits of Beaver Dam.
- KY 370
- A - From the junction with US 41 in Sebree to the junction with KY 138 at Jewell City in Hopkins County.
- KY 371
- AAA - From the junction with KY 17 at Sanfordtown (Kenton

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- County) via Orphanage Road and Buttermilk Pike to the junction with I-75.
- A - From the junction with KY 8 near the Boone-Kenton County line to the junction with I-75 at Covington.
- KY 372
- A - From the junction with KY 70 at the southeast city limits of Campbellsville to Green River Lake Boat Ramp.
- KY 373
- AAA - From the junction with US 62 at Eddyville to the junction with KY 1943, 4.0 miles north of Eddyville.
- KY 374
- A - From the junction with KY 499 at Speedwell, via Moberly, the Moberly No. 1 Road and Charlie Norris Road, to the junction with KY 1986 at Union City (Madison County).
- KY 376
- AA - From the junction with KY 144 at Frymire in Breckinridge County to the junction with KY 144 at Paynesville in Meade County.
- KY 377
- AA - From the junction with KY 32, northwest of Morehead to the junction with KY 344 near Stricklett in Lewis County.
- KY 378
- A - From the junction with KY 1812, 1.8 miles north of Vanceville in Breathitt County to the junction with KY 30, southwest of Salyersville.
- KY 379
- A - From the junction with KY 1880 in Cumberland County near the Clinton County line to the junction with KY 80 in Russell Springs (Russell County).
- Note: No crossing at Cumberland River.
- KY 380
- AA - From the junction with US 41A near the south city limits of Hopkinsville to the junction with US 41 near the southeast city limits of Hopkinsville.
- A - From the junction with KY 272 near the west city limits of Hopkinsville to the junction with US 41A near the south city limits.
- KY 381
- A - From the Tennessee state line in Graves County to the junction with KY 97 at Sedalia.
- KY 383
- AAA - From the junction with KY 816, southwest of Franklin to the junction with US 31W in Franklin.
- A - From the Tennessee state line to the junction with KY 816, southwest of Franklin.
- KY 384
- A - From the junction with KY 80, 1.7 miles west of Mayfield to the junction with KY 339, 1.0 mile east of Dublin.
- KY 385
- A - From the junction with KY 303, in Graves County 0.4 mile north of the Tennessee state line to the junction with Water Valley-Cuba Road, approximately 2.5 miles west of Cuba.
- KY 386
- A - From the junction with US 68, 4.1 miles west of Carlisle to the junction with KY 13, 3.9 miles south of Carlisle.
- KY 387
- A - From the junction with KY 91 in Crittenden County 3.0 miles south of Ohio River to the entrance of Dam 50.
- KY 388
- A - From the junction with US 25 in Richmond to the junction with KY 627 near Boonesboro.
- KY 389
- AAA - From the junction with Harpers Ferry-Lockport Road at Lockport in Henry County to the junction with KY 22, 2.3 miles north of Lockport.
- AA - From the junction with KY 22, 2.3 miles north of Lockport to the junction with KY 55, 2.3 miles south of Prestonsville in Carroll County.
- A - From the junction with KY 561 at Harpers Ferry, via Harpers Ferry-Lockport Road, to the junction with Main Street in Lockport (Henry County).
- KY 390
- A - From the junction with KY 53 near Seaville in Washington County to the junction with US 127 near the north city limits of Harrodsburg.
- KY 391
- A - From the junction with KY 1600, southwest of Vine Grove in Hardin County to the junction with KY 144 in Vine Grove.
- KY 392
- AAA - From the junction with US 62 near Cynthiana to extending east 0.1 mile to entrance to the Pepper, Peak, Florence and Fryman Tobacco Warehouse No. 2.
- A - From Tobacco Warehouse entrance to 0.1 mile east of US 62 to the junction with KY 1244 in northeast Nicholas County.
- KY 393
- AAA - From the junction with KY 22 at Centerfield in Oldham County to the junction with US 42, 2.3 miles east of Skylight.
- A - From the junction with KY 1818 in Oldham County to the junction with KY 22, 0.6 miles east of Centerfield.
- KY 394
- A - From the junction with KY 378, 1.3 miles west of Taulbee to end of state maintenance, 0.593 mile north of Moot Post Office (Breathitt County).
- KY 395
- AA - From the junction with I-64 in Shelby County via Peytona to the junction with KY 12 at Bagdad.
- A - From the junction with KY 44 near Gudgel in Anderson County to the junction with I-64; and from the junction with KY 12 at Bagdad to the junction with KY 43 at Elmburg.
- KY 396
- A - From the junction with KY 2, 1.9 miles southwest of Carter in Carter County to the junction with KY 474 at the Lewis County line.
- KY 397
- A - From the junction with KY 30, 4.7 miles southwest of Jackson to the junction with KY 1110 near Hilltop Church (Breathitt County).
- KY 398
- A - From the junction with KY 91, 0.4 mile south of Bainbridge in Christian County to the junction with KY 109 near Macedonia.
- KY 399
- AAA - From the junction with KY 587 at Ida May in southern Lee County to the junction with KY 52, northwest of Beattyville.
- A - From the junction with KY 30 at Vincent in Owsley County to the junction with KY 587 at Ida May.
- KY 400
- A - From the junction with US 41A in Christian County at the Tennessee state line to the junction with KY 115 at the Tennessee state line.
- KY 401
- A - From the junction with KY 259 at Madrid in Breckinridge County to the junction with KY 86 at Dyer, near the Hardin County line.
- KY 403
- A - From the junction with US 231, south of Morgantown, via Woodbury Road to a point 0.37 mile north of Taylor Fish and Game Club Road (Butler County).
- KY 404
- AAA - From the junction with KY 7 near Arthurmable in Magoffin County to the Floyd County line.
- A - From the Magoffin-Floyd County line to the junction with KY 114, 1.3 miles southwest of Prestonsburg.
- KY 405
- A - From the junction with KY 144 at Thruston in Daviess County to the junction with US 60 at Maceo.
- KY 406
- A - From the junction with KY 66 at the Leslie-Clay County line to the junction with US 421 near Stinnett, 5.7 miles south

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- of Hyden.
- KY 407
A - From the junction with US 41 near Empire in Christina County to the junction with US 41 near the Hopkins County line.
- KY 408
A - From the junction with US 63, 4.5 miles northeast of Bardwell in Carlisle County to the junction with US 68 at Fairdealing in Marshall County.
- KY 409
A - From the junction with KY 486 at Stephens in eastern Elliott County to the junction with KY 7, 0.9 mile south of Bruin.
- KY 410
A - From the junction with US 23 in Greenup to entrance to Greenup County High School.
- KY 411
A - From the junction with KY 70 at Whittinghill in Butler County to the junction with KY 187 at Shrewsbury in Grayson County.
- KY 412
A - From the junction with KY 84, 1.6 miles south of Saint Mary in Marion County to the junction with KY 208, 4.5 miles south of Lebanon.
- KY 413
A - From the junction with KY 840 in Loyall (Harlan County) to the junction with KY 522 at Rosspoint.
- KY 414
A - From the junction with Old Henderson-Evansville Road near northeast city limits of Henderson to end of state maintenance at the junction with of Wathen Lane and Green River Road (Henderson County).
- KY 415
A - From the junction with KY 350, 1.8 miles east of Albany to end of state maintenance at the junction with of Korgor Road.
- KY 416
AAA - From the junction US 41, 0.46 mile west of the Pennyriple Parkway, to the junction with KY 2096, near east side of Pennyriple Parkway (Henderson County).
A - From the junction with US 41A, 1.6 miles south of Cairo in Henderson County to the junction with US 41, west of Pennyriple Parkway; and from the junction with KY 2096 to northwest bank of Green River near the Daviess County line.
- KY 417
A - From the junction with US 68 in Greensburg to the junction with Grissom Road at Blowing Springs (Green County).
- KY 418
AAA - From the junction with US 25, southeast of Lexington to a point 0.6 mile southeast of I-75.
A - From a point 0.6 mile southeast of I-75 to the junction with KY 627 at Boonesboro in Clark County.
- KY 419
A - From the junction with KY 324, east of Mays Lick in Mason County to the junction with KY 11, 0.9 mile north of Lewisburg.
- KY 420
AAA - From the junction with US 60 at north limits of Capital Avenue Bridge in Frankfort, via West Main Street and High Street to the junction with KY 2261 at Mero and Holmes Streets.
AA - From the junction with US 60 at 2nd Street in Frankfort, via Capital Avenue, Todd Street, and Old Lawrenceburg Road to the junction with US 127, south of Frankfort.
A - From the junction with High Street in Frankfort, via Mero Street to the junction with US 127 at Wilkinson Blvd; also, Clinton Street from Wilkinson Blvd. to Ann Street; Ann Street from Clinton Street to West Main Street; and West Main Street from Ann Street to High Street.
- KY 421
AAA - From Indiana state line at Milton to junction KY 2004 at Sand Gap in Jackson County; and from the north city limits of Manchester to the junction with KY 80 south of Manchester; and from the junction with US 119 at Baxter to the junction with KY 38 in Harlan; and from the junction with KY 987 at Cawood to Virginia state line.
AA - From the junction with KY 2004 at Sand Gap to north city limits of Manchester; and from the junction with KY 80 south of Manchester via Hyden to the junction with US 119 at Baxter; and from the junction with KY 38 in Harlan to the junction with KY 987 at Cawood.
- KY 422
A - From the junction with US 31W near Dripping Spring in Edmonson County to the junction with KY 259 at Pig.
- KY 423
A - From the junction with KY 175, 0.8 mile south of Millport in northwest Muhlenberg County to the junction with Millport-Sacramento Road, 0.2 mile north of Millport.
- KY 424
A - From the junction with KY 61, west of Allendale in Green County to the junction with KY 569 at Mac in Taylor County.
- KY 426
A - From the junction with KY 84, 1.4 miles south of Street Mary in Marion County to the junction with US 68, southwest of Lebanon.
- KY 425
AAA - From the junction with US 60 near the southwest city limits of Henderson to the junction with the Pennyriple Parkway, south of Henderson.
- KY 427
A - From the junction with KY 1374, near Trace Creek Church in Graves County to the junction with KY 483, 2.5 miles west of Clear Springs.
- KY 428
A - From the junction with KY 261 in Meade County, 1.6 miles north of the Breckinridge County line to the junction with US 60, southeast of Guston.
- KY 429
A - From the junction with KY 55 in Lebanon to the junction with KY 152, 2.6 miles west of Springfield.
- KY 430
A - From the junction with KY 80 in Russell Springs, via Jamestown Street, to the junction with US 127 in Russell Springs.
- KY 431
AAA - From Tennessee state line, via Russellville and Central City to the junction with US 60 in Owensboro; except; Railroad underpass in Central City (11'4"V.C.) can be detoured.
- US 431 - (Truck Route, Central City)
AAA - From 2nd Street in Central City, via Reservoir, Broad, and Center Sts. to the junction with US 62 near the southwest city limits of Central City.
- KY 432
A - From the junction with US 68, 1.2 miles southwest of Bowling Green to end of state maintenance at the White Stone Quarry Road at Blue Level.
- KY 433
A - From the junction with KY 152 at Mackville in Washington County to the junction with KY 458, 2.5 miles northwest of Polin.
- KY 434
AAA - From the junction with US 31W, 4.0 miles south of Radcliff, to Vulcan Materials Quarry entrance, a distance of 1.7 miles (Hardin County).
AA - From Vulcan Materials Quarry entrance to the junction with KY 61 at east city limits of Lebanon Junction.
- KY 435
A - From the junction with KY 8 near northwest city limits of Maysville via Moranburg, Fernleaf in Mason County to the junction with KY 8 at Augusta in Bracken County.

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- KY 436
A - From the junction with KY 218 at Legrand in Hart County to the junction with KY 88, 0.6 mile west of Monroe.
- KY 437
A - From the junction with KY 172, 6.0 miles northeast of West Liberty to the junction with KY 172 near Relief, 1.6 miles west of the Johnson County line.
- KY 438
A - From the junction with KY 55, 4.7 miles northwest of Springfield, via Poortown and Mays Creek Road to the junction with KY 152, west of Mackville (Washington County).
- KY 439
A - From the junction with KY 61 near the west city limits of Columbia to the junction with KY 80 in Columbia.
- KY 440
A - From the junction with KY 339 at Lowes in Graves County to the junction with KY 121, 3.6 miles northwest of Mayfield.
- KY 441
A - From the junction with KY 74 at the west city limits of Middlesboro, via Belt Line Road and Hollywood Road to the junction with US 25E in Middlesboro.
- KY 442
A - From the junction with US 150, 0.9 mile west of the Washington-Boyle County line to the junction with KY 152, 1.5 miles east of Mackville in Washington County.
- KY 443
A - From the junction with US 41A, 5.8 miles southwest of Henderson to the junction with Cairo-Hickory Grove Road.
- KY 444
A - From the junction with KY 121 at New Concord in Calloway County to the junction with park entrance road near Kentucky Lake.
- KY 445
AA - From the junction with KY 1120 in Ft. Thomas to the junction with US 27 in Ft. Thomas.
A - From the junction with KY 8 at Brent, near Ohio River to the junction with KY 1120 in Ft. Thomas.
(I-65, US 31W Connector)
- KY 446
AAA - From the junction with US 31W, northeast of Bowling Green to the junction with I-65.
- KY 447
A - From the junction with US 31W via Zellewski Drive and Old Dixie Highway, to the junction with KY 434 south of Radcliff (Hardin County).
- KY 448
AAA - From the junction with US 60, 1.4 miles south of Garrett in Meade County to the junction with KY 228 in Brandenburg.
A - From the junction with KY 228 in Brandenburg to the junction with KY 79, 0.5 mile southwest of Brandenburg.
- KY 449
A - From the junction with KY 61, 1.2 miles north of Kettle in Cumberland County to the junction with KY 90, 3.2 miles southeast of Burkesville.
- KY 450
A - From the junction with KY 348, 1.7 miles northwest of Symsonia in Graves County to the junction with US 60 at Woodland, southeast of Paducah.
- KY 451
AAA - From the junction with KY 15 near Glomawr, south of Hazard to the junction with KY 15 in Hazard.
A - From the junction with KY 15 in Hazard to the junction with KY 28 near Chavies.
- KY 452
A - From the junction with KY 1247 near Pulaski, north of Somerset to the junction with KY 39, 0.3 mile south of Bobtown.
- KY 453
AAA - From Barkley Lake Canal in Lyon County to a point 1.227 miles north of US 62 in Livingston County.
- AA - From a point 1.227 miles north of US 62 to the junction with River Street in Smithland.
- KY 454
A - From the junction with KY 112 at Carbondale in Hopkins County to the junction with US 62 in St. Charles.
- KY 455
A - From the junction with KY 16, 0.6 mile northeast of Glencoe (Gallatin County) to the junction with KY 35, 0.7 mile south of Warsaw.
- KY 456
A - From the junction with KY 500, 1.4 miles south of Curds-ville in Daviess County to the junction with KY 56, 2.1 miles southwest of Sorgho.
- KY 457
A - From the junction with KY 84 at the Nelson-Marion County line to the junction with KY 49 at Holy Cross in Marion County.
- KY 458
A - From the junction with KY 55 at Mooresville in Washington County to the junction with KY 55 in Spencer County 0.2 mile north of the Nelson County line.
- KY 459
A - From the junction with KY 6, 5.6 miles west of Barbourville to the junction with KY 11 in Barbourville.
- US 460
AAA - From the junction with I-64, north of Mt. Sterling to the junction with US 23 near Paintsville.
AAA - From the junction with US 27 northwest of Paris to the junction with US 60 in Frankfort.
AA - From the junction with US 68 at the northeast city limits of Paris to I-64 north of Mt. Sterling.
AA - From the junction with US 23 south of Pikeville, via Belcher to Virginia state line.
- KY 461
AAA - From the junction with KY 80 near Shopville to the junction with US 25 north of Mt. Vernon (Pulaski-Rockcastle Counties).
- KY 462
A - From the junction with KY 210 near Badger in Taylor County to the junction with KY 84 in Nelson County 0.3 mile north of the Larue County line.
- KY 463
AAA - From the junction with KY 699 in southern Perry County to the Letcher County line.
A - From Letcher-Perry County line to the junction with KY 160 at Gordon.
- KY 464
A - From the junction with KY 121 in Mayfield to the junction with KY 94, east of Shiloh in Calloway County.
- KY 465
A - From the junction with KY 47 at the Gallatin-Carroll County line to the junction with KY 455, 4.5 miles south of Warsaw.
- KY 466
A - From the junction with KY 122 at Melvin in southern Floyd County to end of state maintenance at the Abe Fork Road.
- KY 467
A - From the junction with KY 227, 0.3 mile west of Worthville (Carroll County) to the junction with KY 177, south of Demossville in Pendleton County.
- KY 468
AA - From the junction with US 119 at Sidney in Pike County to the junction with KY 292 near the Pike-Martin County line.
- KY 469
A - From the junction with KY 172 at Redbush in Johnson County to the junction with KY 32 at Martha in Lawrence County.
- KY 470
A - From the junction with US 31E at Magnolia to the junction with KY 1832, 0.6 mile south of Salem Church (Larue County).
- KY 472

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- A - From the junction with KY 80, east of London to the junction with US 421 at Burning Springs in Clay County.
- KY 473
 - A - From the junction with KY 286 at Gage in Ballard County to the junction with KY 1105, 1.7 miles northeast of Oscar.
- KY 474
 - AA - From the junction with KY 2 at Carter, 12.5 miles north of Olive Hill to a point 2.0 miles west at the junction with Lick Branch Road.
 - A - From the junction with KY 59, 2.1 miles southeast of Camp Dix in Lewis County to the Lick Branch Road at Poplar in Carter County.
- I-471
 - AAA - From the junction with I-275 in Highland Heights to the Ohio State line in Newport.
- KY 475
 - A - From the junction with US 41, 0.6 mile west of Trenton in Todd County to the junction with US 68 at Tress Shop.
- KY 476
 - AAA - From the junction with KY 15 at Lost Creek in Breathitt County to the junction with KY 80 at Dwarf in Perry County.
 - A - From the junction with KY 15 in Hazard to the junction with KY 80, north of Hazard.
- KY 477
 - AA - From the junction with KY 79 at Irvington in Breckinridge County to the junction with KY 376 near Frymire in Meade County.
- KY 478
 - A - From the junction with KY 1651 in Whitley City (McCreary County) to the junction with KY 204 at Redbird in Whitley County.
- KY 479
 - A - From the junction with KY 88 at Wax in Grayson County to the junction with KY 224 at Millerstown.
- KY 480
 - A - From the junction with KY 61 near the south city limits of Shepherdsville to the junction with US 31E, 0.8 mile south of Highgrove in Nelson County.
- KY 481
 - A - From the junction with US 41A in Madisonville to the junction with Grapevine-Earlinton Road, 2.8 miles south of US 41A.
- KY 482
 - A - From the junction with KY 100, 0.8 mile west of Alonzo in Allen County to the junction with US 31E, 2.2 miles north of Tennessee state line.
- KY 483
 - A - From the junction with KY 131 at Westplains in Graves County to the junction with KY 408 at Clear Springs.
- KY 484
 - A - From the junction with KY 1482, near Panco in Clay County to Buckhorn Lake boat ramp in Perry County.
- KY 485
 - A - From beginning of state maintenance at Dale Hollow Lake, via Kettle, Tanbark and Ellington to the junction with KY 3104 (Cumberland County).
- KY 486
 - A - From the junction with KY 32 near Isonville in Elliott County to the junction with KY 1 in Carter County, 0.1 mile north of the Lawrence County line.
- KY 487
 - A - From the junction with US 68 near Exie in southern Green County to the junction with KY 61 at Gresham.
- KY 488
 - A - From the junction with KY 80, 6.3 miles southeast of London to the junction with KY 1305, 0.3 mile north of Daniel Boone Parkway.
- KY 489
 - A - From the junction with KY 22 near the east city limits of Williamstown to the junction with KY 467, 3.0 miles east of Dry Ridge.
- KY 490
 - AA - From the junction with US 25, 1.0 mile north of Pittsburg in Laurel County to the junction with KY 30 at East Bernstadt.
 - A - From the junction with KY 30 at East Bernstadt to the junction with US 25 at Livingston in Rockcastle County.
- KY 491
 - A - From the junction with KY 17 in northwest Pendleton County to the junction with KY 14 and 16 at Verona in Boone County.
- KY 492
 - A - From the junction with KY 1508 at DeKoven in Union County to the junction with US 60, 2.5 miles southwest of Morganfield.
- KY 493
 - A - From the junction with KY 132 at Fairmont in Webster County to the junction with KY 109 near the east city limits of Wheatcroft.
- KY 494
 - AAA - From the junction with KY 132, 2.0 miles southwest of Sebree (Webster County) to the junction with US 41, 1.9 miles south of Sebree.
- KY 495
 - A - From the junction with KY 138 near Mt. Pleasant Church, 3.8 miles northwest of Slaughters in Webster County to the junction with US 41, 2.9 miles south of Sebree.
- KY 496
 - A - From the junction with KY 163 in Edmonton in Metcalfe County to the junction with KY 90 near Marrowbone in Cumberland County.
- KY 497
 - AAA - From the junction with KY 94 in Calloway County, 1.2 miles south of the Marshall County line to end of state maintenance at the junction of CR 1051, the Ledbetter Road.
- KY 498
 - AAA - From the junction with KY 52, 4.4 miles northwest of Beattyville to the junction with KY 11, 4.9 miles north of Beattyville.
- KY 499
 - A - From the junction with US 25, 2.4 miles south of Terrill in Madison County to the junction with KY 52 at West Irvine in Estill County.
- KY 500
 - A - From the junction with KY 56 at Saint Joseph in Daviess County to end of state maintenance near Green River in Curdsville.
- KY 501
 - A - From the junction with KY 910 at Phil in Casey County to the junction with US 27, approximately 9.5 miles south of Stanford.
- KY 502
 - A - From the junction with KY 109 at Rabbit Ridge in Hopkins County to the junction with Old Morganfield Road, 1.6 miles north of Nebo.
- KY 503
 - A - From the junction with KY 5 in Boyd County to the junction with US 23 at Wurtland in Greenup County.
- KY 504
 - A - From the junction with KY 7 at Green in Elliott County to the junction with KY 32 at Elliottsville in Rowan County.
- KY 505
 - A - From the junction with US 231, 1.9 miles north of Butler County line to the junction with KY 878 at Olaton (Ohio County).
- KY 506
 - A - From the junction with US 60 in Marion to the junction with KY 902, 2.8 miles west of Creswell in Caldwell County.
- KY 507
 - A - From the junction with KY 107 in Hopkinsville to the junction with KY 106 at Claymour (Christian-Todd Counties).
- KY 508

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- A - From the junction with KY 507 in Christian County to the junction with KY 171, 0.4 mile southeast of Liberty in Todd County.
- KY 509
 - A - From the junction with KY 245 at Samuels in Nelson County to the junction with KY 48 near Fairfield.
- KY 510
 - A - From the junction with KY 221 near Pine Mountain in Harlan County to the junction with KY 463 near Gordon in Letcher County.
- KY 511
 - A - From the junction with US 25W, southwest of Derring in Whitley County to the junction with KY 26 at Rockholds.
- KY 512
 - AAA - From the junction with KY 151 at Alton to the junction with US 127 near the Franklin County Line (Anderson County).
 - A - From the junction with KY 395 at Birdie to the junction with KY 151 at Alton (Anderson County).
- KY 513
 - A - From the junction with US 62 at Fox Creek in Anderson County to end of state maintenance at the Wise Road.
- KY 514
 - A - From Caldwell-Lyon County line to the junction with KY 126, northwest of Cobb in Caldwell County.
- KY 515
 - A - From the junction with KY 903 at Remit in Caldwell County to the junction with KY 139, 3.6 miles south of Princeton.
- KY 516
 - A - From the junction with KY 188, west of Colmar in Bell County to end of state maintenance at Turnhole Branch.
- KY 517
 - A - From the junction with KY 252, 1.9 miles north of Cedar Springs in Allen County to end of state maintenance 0.14 mile south of Tom Odom Road.
- KY 518
 - A - From the junction with KY 198 at Mt. Salem in Lincoln County to the junction with KY 78 in Hustonville.
- KY 519
 - AAA - From the junction with KY 7 near Pomp in Morgan County to the junction with US 60 at Morehead in Rowan County.
- KY 520
 - A - From the junction with KY 136, 1.4 miles se of Anthoston in Henderson County to the junction with KY 416 at Coraville.
- KY 521
 - A - From the junction with KY 1189, southeast of London to the junction with KY 80, 4.3 miles southeast of London.
- KY 522
 - AAA - From the junction with US 119 at Rosspoint to the junction with KY 160 west of Cumberland (Harlan County).
- KY 523
 - A - From the junction with 245 at Deatsville in Nelson County to the junction with US 31E, 4.4 miles north of Cox's Creek.
- KY 524
 - AAA - From the junction with US 42 in Oldham County to the junction with US 42 east, 2.9 miles from Henry County line.
- KY 525
 - A - From the junction with KY 164, 0.5 mile west of Roaring Springs in Trigg County to the junction with KY 139, 3.6 miles south of Cadiz.
- KY 526
 - A - From the junction with KY 185, 3.7 miles north of Bowling Green to the junction with US 31W, 2.4 miles northeast of Bowling Green.
- KY 527
 - A - From the junction with US 68 in Campbellsville to the junction with KY 49 at Holy Cross in Marion County.
- KY 528
 - A - From the junction with KY 55 south of Springfield to the junction with KY 438 at Lincoln Homestead State Park.
- KY 529
 - A - From the junction with Booker-Valley Hill Road at Booker in Washington County to the junction with KY 55, 0.5 mile west of Mooresville.
- KY 530
 - A - From the junction with KY 55, 3.3 miles north of Columbia to the junction with Holmes Bend Road.
- KY 531
 - A - From the junction with KY 80, 5.0 miles east of Columbia to the junction with KY 206 at Christine.
- KY 532
 - A - From the Adair-Green County line to the junction with KY 61, 6.5 miles northwest of Columbia.
- KY 533
 - A - From the junction with KY 496 near the east city limits of Edmonton via Breeding and Picnic to the junction with Stotts Cemetery Road (Metcalfe-Adair Counties).
- KY 534
 - A - From the junction with KY 348 at Symsonia in Graves County to the junction with KY 408 near Sand Hill Church.
- KY 535
 - A - From the junction with KY 74 near Pruden in sw Bell County to end of state maintenance near Fonde, 0.6 mile east of KY 74.
- KY 536
 - A - From the junction with KY 338, 1.0 miles east of Rabbit Hash in Boone County via Hueys Corner, Union, Independence and Staffordsburg, to the junction with KY 177 at Visalia in Kenton County.
- KY 537
 - A - From the junction with KY 11 at Judy in Montgomery County to the junction with US 460, 0.9 mile east of Paris.
- KY 538
 - A - From the junction with US 60 at Rockdale in Boyd County to the junction with US 23, south of Catlettsburg.
- KY 539
 - A - From the junction with US 62 near Mt. Olivet to the junction with KY 22 near Neave in Bracken County.
- KY 540
 - A - From the junction with KY 1812 at Keck in Breathitt County 4.5 miles north of Jackson to the Steer Fork Road.
- KY 541
 - A - From the junction with KY 52, near Chenowee, via Lawson to the junction with KY 15 (Breathitt County).
- KY 542
 - AAA - From the junction with KY 30, east of Jackson to the junction with KY 7 in southeast Magoffin County.
- KY 543
 - A - From the junction with KY 1243 at Clarks Corner, northwest of Edmonton to the junction with US 68, 5.3 miles north of Edmonton.
- KY 544
 - A - From the junction with US 68, 3.7 miles north of Edmonton to end of state maintenance at East Fork.
- KY 545
 - A - From the junction with KY 408, 0.27 mile east of KY 121 to the junction with KY 849 at Zoar Church (Carlisle County).
- KY 546
 - AAA - From the junction with I-275 in Campbell County to the junction with KY 10, south of Quincy in Lewis County (Campbell-Pendleton-Bracken-Mason-Lewis Counties).
- KY 547
 - A - From the junction with KY 10 in Alexandria to the junction with KY 8 at Silver Grove.
- KY 548
 - A - From the junction with KY 307 near Kirbyton in Carlisle County to the junction with county road, 1.74 miles east of beginning.
- Ky 549
 - A - From the junction with KY 55, 4.5 miles south of Prestonville in Carroll County to the junction with KY 55, 0.2 mile south of Prestonville.

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- KY 550
AAA - From the junction with KY 15 near Combs to the junction with KY 80 near Eastern (Perry-Knott-Floyd Counties).
- KY 551
AA - From the junction with KY 55, north of Columbia to the junction with KY 76 near Knifley.
A - From the junction with KY 76 near Knifley in Adair County to the junction with KY 1615, 5.0 miles northeast of Clementsville in Casey County.
- KY 552
A - From the junction with KY 192 near Cold Hill School in Laurel County to the junction with US 25 at Lily.
- KY 553
A - From beginning of state maintenance at Wisdom Boat Dock at Dale Hollow in Clinton County to the junction with US 127 in Albany.
- KY 554
AAA - From the junction with KY 81 near Mosleyville, south of Owensboro to a point 3.0 miles west of KY 81.
A - From the junction with KY 815 near Guffie in McLean County to a point 3.0 miles west of KY 81 in Daviess County; and from the junction with KY 81 near Mosleyville to the junction with US 431, 3.3 miles south of Owensboro.
- KY 555
AAA - From KY 55, south of Springfield to the junction with Blue Grass Parkway (Washington County).
- KY 556
A - From the junction with KY 173 at Lytten in western Elliott County to the junction with KY 7 in Sandy Hook.
- KY 557
A - From the junction with KY 556, northwest of Sandy Hook to the junction with KY 7, north of Sandy Hook.
- KY 558
A - From the junction with US 127, 0.7 mile east of Snow in Clinton County to end of state maintenance at Lake Cumberland in Russell County.
- KY 559
AAA - From the junction with KY 11 in Flemingsburg to the junction with KY 170, 2.0 miles north of Elizaville.
A - From the junction with KY 11 in Flemingsburg to the junction with KY 344 at Petersville in Lewis County.
- KY 560
A - From the junction with KY 32 at Cowan in Fleming County to the junction with US 68 at Peed (Fleming-Mason Counties).
- KY 561
AAA - From the junction with US 421 near the Franklin-Henry County line to end of state maintenance 0.28 mile northwest of Gest in Henry County.
- KY 562
A - From the junction with KY 16 at south side of I-71 in Gallatin County to the junction with US 42, 1.8 miles southwest of Boone County line.
- KY 563
A - From the junction with KY 1295, 0.5 miles northeast of Hyattsville to the junction with KY 39, 1.9 miles south of Jessamine County line (Garrard County).
- KY 564
A - From the junction with KY 94 near Tri City in Graves County to the junction with KY 58, 0.6 mile west of Marshall County line.
- KY 565
A - From the junction with KY 61, 3.4 miles southeast of Greensburg to the junction with KY 55 in Taylor County.
- KY 566
AA - From the junction with KY 61, 10.7 miles northwest of Greensburg to the junction with KY 936 near the Hart County line.
A - From the junction with US 31E at Linwood in Hart County to the junction with KY 936 in Green County.
- KY 567
A - From the junction with Springfield Road to the Larue County line (Hardin County).
- KY 568
AA - From the junction with US 421 at Cranks in Harlan County approximately 2.8 miles west of Virginia state line to a point 4.28 miles up Cranks Creek.
- KY 569
A - From the junction with KY 357, 3.4 miles northeast of Munfordville to the junction with KY 210, 1.2 miles northeast of Mac in Taylor County.
- KY 570
A - From the junction with KY 218 at LeGrand in Hart County to the junction with KY 88 near Hardyville.
- KY 571
A - From the junction with KY 740 at Park to the junction with US 31W, southeast of Munfordville (Barren-Hart Counties).
- KY 572
A - From the junction with KY 571, 1.0 miles northwest of Seymour in Hart County to the junction with KY 218, 0.5 mile west of LeGrand.
- KY 573
A - From the junction with US 421 in New Castle to the junction with KY 561, 1.9 miles west of Harpers Ferry.
- KY 574
A - From the junction with US 421 in Campbellsburg to the junction with KY 389 near the Kentucky River.
- KY 575
A - From the junction with KY 58, 5.0 miles east of Clinton to the junction with KY 123, 1.5 miles west of Nichols.
- KY 576
A - From the junction with KY 10, 3.4 miles northwest of Maysville to the junction with KY 8 at South Ripley.
- KY 577
A - From the junction with KY 30 in Jackson County near the Laurel County line to the junction with KY 11 near Taft in Owsley County.
- KY 578
A - From the junction with KY 490 near Victory in Laurel County to the junction with KY 290, north of Annville in Jackson County.
- KY 580
A - From the junction with US 460, via Jack Caudill Road, Oil Springs, Fish Trap and Manila in Johnson County to the junction with US 460, Barnetts Creek.
- KY 581
AAA - From the junction with KY 40 near the northeast city limits of Paintsville to the Deboards Hollow Road (CR 1005), a distance of 3.630 miles (Johnson County).
A - From the Deboards Hollow Road to the junction with US 23, north of Ulysses in Lawrence County.
- KY 582
A - From the junction with KY 160, 6.5 miles south of Hindman to the junction with KY 7 at Kite.
- KY 583
A - From the junction with KY 52 in northern Larue County to the junction with US 62 at Younger Creek in Hardin County.
- KY 584
A - From the junction with KY 61, southeast of Buffalo in Larue County to the junction with KY 210 at Jericho.
- KY 585
A - From the junction with KY 73 near Franklin, via Gold City, to the Allen County Line (Simpson County).
- KY 586
A - From the junction with KY 638 near Macedonia Church, northeast of London to the junction with KY 472 near Maplesville.
- KY 587
AAA - From the junction with KY 399 at Ida May in Lee County to the junction with KY 11 near Congleton.
A - From the junction with KY 399 at Ida May to the junction

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- with US 421, 3.0 miles southeast of McKee.
- KY 588
A - From the junction with KY 7 at Blackey in Letcher County to the junction with KY 931, southwest of Whitesburg.
- KY 589
A - From the junction with KY 172, 7.0 miles northeast of West Liberty to the junction with KY 437 at Miami.
- KY 590
A - From the junction with KY 52 at Hedgeville in Boyle County to the junction with US 27 at the north city limits of Stanford.
- KY 591
A - From the junction with KY 96, 2.4 miles northeast of Dot in Logan County to the junction with KY 383 near Providence in Simpson County.
- KY 592
A - From the junction with US 27 near Pine Knot in McCreary County to the junction with KY 92, 5.2 miles east of Pine Knot.
- KY 593
A - From the junction with KY 136 at Comer in northwest McLean County to the junction with KY 136, 2.9 miles east of Beech Grove.
- KY 594
A - From the junction with US 421, north of Bighill in Madison County to the junction with KY 52 near Rice Station in Estill County.
- KY 595
A - From the junction with KY 1617, 0.9 mile southeast of Berea to end of state maintenance near the Kentucky River at the Jessamine County line.
- KY 596
A - From the junction with KY 10 at Germantown in Mason County to the junction with US 62 at Shannon.
- KY 597
AAA - From the junction with KY 11 at the north city limits of Flemingsburg to the state highway maintenance barn, 0.8 mile northeast of KY 11.
A - From a point 0.8 mile northeast of KY 11 at Flemingsburg to the junction with KY 11 in Mason County, 1.8 miles south of Marshall.
- KY 598
A - From the junction with KY 1915, 2.1 miles south of Harrodsburg to the junction with US 127, 0.7 mile south of Harrodsburg.
- KY 599
A - From the junction with KY 613, 0.6 mile north of Bowen in Powell County to the junction with US 460 at Jeffersonville in Montgomery County.
- KY 600
A - From the junction with KY 171, 2.6 miles southeast of Weir in Muhlenberg County to the junction with KY 831.
- KY 601
A - From the junction with KY 181, northwest of Greenville to the junction with KY 175, north of Graham.
- KY 602
A - From the junction with US 431 near the north city limits of Central City to the junction with KY 277 in Central City.
- KY 603
A - From the junction with US 431 in Central City to the junction with KY 602 near north city limits of Central City.
- KY 604
A - From the junction with US 62, 0.5 mile east of Central City to the junction with US 431, southeast of Central City.
- KY 605
A - From the junction with KY 1183 at Manton in Washington County to the junction with US 62, 2.3 miles northeast of Bardstown.
- KY 606
A - From the junction with US 68 near Ellisville in Nicholas County to the junction with Ball Hill Road.
- KY 607
A - From the junction with KY 330 at the Owen-Grant County line to the junction with Old Frankfort Pike, 1.8 miles south of Monterey.
- KY 608
A - From Owen-Scott County line to the junction with US 25, 0.5 mile south of Stonewall in Scott County.
- KY 609
A - From the junction with KY 159 at Concord in Pendleton County to the junction with KY 177, east of Butler.
- KY 610
A - From the junction with US 23 at Dorton in Pike County to the junction with KY 122, north of Virgie.
- KY 611
A - From the junction with KY 195 at Lookout in Pike County to the junction with US 23, 1.0 mile west of Stewart.
- KY 612
A - From the junction with KY 292, north of South Williamson to the junction with KY 468, 2.5 miles east of Conder (Pike County).
- KY 613
A - From the junction with KY 15 at Bowen in Powell County to the Menifee County line.
- KY 614
A - From the junction with KY 280, 0.8 mile southeast of Pottertown in Calloway County to end of bituminous surface at Kentucky Lake.
- KY 615
A - From the junction with KY 599, northwest of Bowen in Powell County to the junction with KY 213 near the Morris Creek Church.
- KY 616
A - From the junction with KY 1029 at Burika, via Mitchells Mill, Abigail, and Tangle Town to the junction with KY 875, 1.7 miles south of Germantown (Robertson-Mason-Bracken Counties).
- KY 617
A - From the junction with US 62 at Kentontown in Robertson County to the junction with KY 165 near Piqua.
- KY 618
A - From the junction with KY 1781 at Broughtontown in Lincoln County to the junction with KY 1250, 0.8 mile south of Spiro in Rockcastle County.
- KY 619
A - From the junction with KY 92 in western Russell County, via Gum Corner, Rose Crossroads, Jamestown, and Karlus to the junction with KY 379 in Russell Springs.
- KY 620
AAA - From the junction with US 25, 4.1 miles north of Georgetown, via Delaplain to the Barkley Pike (Scott County).
A - From another junction with US 25, 3.9 miles north of Georgetown, via Biddle, Double Culvert, Turkey Foot, and Rogers Gap to the junction with US 25, 1.4 miles west of Rogers Gap; and from Barkley Pike to the junction with US 62 at Oxford.
- KY 621
A - From the junction with US 31W, 3.2 miles north of Franklin to the junction with KY 103 near the Logan County line.
- KY 622
A - From the junction with KY 100 at Hickory Flat to the junction with US 231 near the southeast city limits of Bowling Green (Simpson-Warren Counties).
- KY 623
A - From the junction with KY 48 at the Spencer-Nelson County line to the junction with KY 44, 4.1 miles west of Taylorsville.
- KY 624
A - From the junction with KY 124 at Cerulean in Trigg County to the junction with KY 91, south of Bainbridge in Christian County.
- KY 625

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- A - From the junction with US 421, 0.5 mile north of Bedford to the junction with US 421 at Milton.
- KY 626
 - A - From the junction with KY 1153, 0.9 mile south of Boston in Butler County to the junction with KY 1435 at Rockland in Warren County.
- KY 627
 - AAA - From the junction with US 25, north of Richmond to the junction with US 27 in Paris.
- KY 628
 - A - From the junction with US 25W at Pleasant Valley View in Whitley County to a point 1.07 miles west of Paint Creek-Wolf Road.
- KY 629
 - A - From the junction with KY 54 east of Fordsville to junction KY 992 in Mattingly (Ohio-Breckinridge County).
- KY 630
 - A - From the junction with KY 262 at Manitou, northwest of Madisonville to the junction with KY 132 at the east city limits of Dixon.
- KY 631
 - A - From the junction with KY 54, 6.1 miles west of Leitchfield, via Duff and Concord to end of state maintenance, 1.0 mile west of Concord.
- KY 632
 - A - From the junction with KY 194 at Kimper in Pike County to the junction with KY 194 at Phelps.
- KY 633
 - A - From the junction with KY 55, approximately 5.5 miles north of Columbia to the Adair-Taylor County line.
- KY 634
 - A - From the junction with KY 744 in northern Taylor County to the Marion County line.
- KY 635
 - A - From the junction with KY 39 near Dabney in Pulaski County to the junction with KY 70 near the Casey County line.
- KY 636
 - A - From the junction with KY 248 in Spencer County to the junction with KY 395 near Harrisonville in Shelby County.
- KY 638
 - A - From the junction with KY 80 in London to the junction with US 421 near the north city limits of Manchester.
- KY 639
 - A - From the junction with KY 553 near Shipley, southwest of Albany to the junction with KY 734, 1.4 miles northwest of Snow.
- KY 640
 - A - From the junction with KY 90 at Summer Shade in Metcalfe County to the junction with KY 70, 0.7 mile west of Knob Lick.
- US 641
 - AAA - From Tennessee state line, via Murray, Benton, Kentucky Dam, and Kuttawa to the junction with US 60 in Marion.
- US 641 Toll Access
 - AAA - From the junction with US 641 nine-tenths (0.9) mile south of Benton extending northwest to the Purchase Parkway near the west city limits of Benton in Marshall County.
- KY 642
 - A - From the junction with KY 39, southeast of Lancaster to the Lincoln County line.
- KY 643
 - A - From the junction with US 27 at Halls Gap in Lincoln County to the junction with US 150 in Crab Orchard.
- KY 644
 - A - From the junction with US 23, 1.5 miles south of Louisa to the junction with KY 3 near Tug Fork of Big Sandy River.
- KY 645
 - AAA - From the junction with US 23 near Ulysses to the junction with KY 40 southeast of Inez (Lawrence-Martin Counties).
- KY 646
 - A - From the junction with KY 213, 2.3 miles south of Jeffersonville, via Levee to the junction with KY 713, 2.3 miles southeast of Mt. Sterling (Montgomery County).
- KY 647
 - AA - From the junction with US 60 northeast city limits to Mt. Sterling to the junction with KY 1331 near Ewington.
- KY 648
 - A - From the Nicholas-Bourbon County line to the junction with US 68 in Nicholas County 3.5 miles west of Carlisle.
- KY 649
 - A - From the junction with KY 504, 0.7 mile east of Ault, via Beartown, Stark, and Ibex to the Moberly Flats Road (Elliott County).
- KY 650
 - A - From the junction with KY 755 near the Ridge to the junction with KY 172 near Lenox (Morgan-Elliott Counties).
- KY 651
 - A - From the junction with KY 15, 0.7 mile southwest of Campton to end of state maintenance, 2.100 miles southwest of KY 15.
- KY 652
 - A - From the junction with KY 48 at Fairfield in Nelson County to the junction with KY 55, south of Taylorsville.
- KY 653
 - A - From the junction with KY 94 at Sassafras Ridge in western Fulton County to Ash Log Road.
- KY 654
 - A - From the junction with KY 120 at Tribune in Crittenden County to Roe Wafford Road, northwest of KY 120.
- KY 655
 - A - From the junction with KY 70 at Windyville in Edmonson County, via Asphalt and Segal to the junction with KY 70, 1.0 mile northwest of Windyville.
- KY 656
 - A - From the junction with KY 1238, 0.9 mile south of US 60 in Meade County to the junction with KY 333.
- KY 657
 - AAA - From the junction with US 60, south of Lewisport in Hancock County to the junction with KY 334 in Lewisport.
 - A - From the junction with KY 1389 near Scythia in Daviess County to the junction with US 60, south of Lewisport.
- KY 658
 - AAA - From the junction with US 68 in Campbellsville to the junction with KY 3518.
 - A - From the junction with KY 3518 to the junction with KY 1799, 0.6 miles south of Arista.
- KY 659
 - A - From the junction with KY 70 near Mannsville, extending northeast, east and south to another junction with KY 70 at Casey County line (Taylor County).
- KY 660
 - A - From the junction with US 31E near the Jefferson-Bullitt County line to the junction with KY 1319 in Bullitt County.
- KY 661
 - A - From the junction with KY 662, 3.6 miles northeast of Yelvington in Daviess County to the junction with KY 657, 2.3 miles south of Lewisport.
- KY 662
 - A - From the junction with US 405 near Yelvington in Daviess County to the junction with KY 657 in Hancock County.
- KY 663
 - A - From the junction with US 431, 2.1 miles north of Adairville in Logan County to the junction with KY 103 near the south city limits of Auburn.
- KY 664
 - A - From the junction with US 431 at Halls Store in Logan County to the junction with KY 383, 2.0 miles southwest of Franklin.
- KY 665
 - A - From the junction with KY 664, 2.4 miles northeast of Neosho in Simpson County to the junction with KY 100 at

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- Middleton.
- KY 666
A - From the junction with KY 871, 1.6 miles southwest of Reburn Church in Union County to the junction with KY 130, 2.7 miles north of Morganfield.
- KY 667
A - From the junction with KY 1508 at Dekoven in Union County to the junction with KY 871 at Raleigh.
- KY 668
A - From the junction with KY 109, 2.7 miles south of KY 56 in Union County, to the junction with KY 667 near Ohio River.
- KY 669
A - From a point 300 feet south of Church Street in Waverly (Union County) to extend north to the junction with Willett-Culver Branch Road.
- KY 670
AAA - From the junction with KY 109, northwest of Providence, to the junction with US 41A in Providence (Webster County).
- KY 671
A - From the junction with KY 100 at Oak Forest in Allen County to the junction with KY 98 near the Barren County line.
- KY 672
A - From the junction with KY 126 near Cobb in Caldwell County to the junction with US 62 at the Hopkins County line.
- KY 674
A - From the junction with KY 92 at Parnell in Wayne County to a point 0.393 mile north of Smith Bottom Road.
- KY 676
AAA - From the junction with US 127 near the southwest city limits of Frankfort to the junction with US 60, east of Frankfort (Franklin County).
- KY 677
A - From the junction with KY 314, 1.3 miles southwest of Center in Metcalfe County to the junction with US 31E near Canmer in Hart County.
- KY 678
AA - From the junction with KY 63 at Mt. Hermon in Monroe County to the junction with KY 163, 2.1 miles south of Metcalfe County line.
- KY 679
A - From a point near New Liberty Church in McCreary County to the junction with KY 478 in Whitley County.
- KY 680
A - From the junction with KY 122 at McDowell in Floyd County to the junction with KY 979.
- KY 681
A - From the junction with KY 32 at Cowan in Fleming County to the Nicholas County line.
- KY 682
A - From the junction with KY 55 near the Taylor County line in Adair County to the junction with Holmes Bend Road.
- KY 683
A - From the junction with KY 92 near Stearns in McCreary County to the junction with KY 684.
- KY 684
A - From the junction with KY 92 near Stearns in McCreary County to the junction with KY 1567, east of Revelo.
- KY 685
A - From junction with KY 1297 at Beckton in Barren County to the junction with KY 70, 1.0 mile southeast of Cave City.
- KY 686
AAA - From the junction with US 460 near north city limits of Mt. Sterling, extending south around west side of Mt. Sterling and then north around east side of Mt. Sterling to the junction with US 60, northeast of Mt. Sterling (Montgomery County).
- KY 687
A - From the junction with KY 472 near Langnau in Laurel County to the junction with US 421 in Manchester.
- KY 688
A - From the junction with Crayne-View-Frances Road, 0.3 mile west of KY 91 at Crayne in Crittenden County to the Marion city limits.
- KY 689
A - From the junction with KY 172 at Cantree Branch in Johnson County to the junction with KY 1092 at Barnrock.
- KY 690
A - From the junction with KY 79 at Westview in Breckinridge County to the junction with KY 333 at Corners.
- KY 691
A - From the junction with KY 90, west of Burkesville to end of state maintenance at a point 1.144 mile south of Bull Ridge Road (Cumberland County).
- KY 692
A - From the junction with KY 192, east of Woodmont in Pulaski County to the junction with KY 80 at Shopville.
- KY 693
AAA - From the junction with US 23, 0.3 mile north of Greenup-Boyd County line to the junction with KY 207 in Flatwoods (Greenup County).
- A - From the junction with KY 207 in Flatwoods, via Pond Run Road, Furnace Road, and Chinns Branch Road, to the junction with US 23 near Wurtland (Greenup County).
- KY 695
A - From the junction with KY 164 near Peedee to the junction with KY 107 at 18th Street in Hopkinsville in Christian County.
- KY 696
A - From the junction with US 127, 0.7 mile southeast of Albany to the junction with KY 1009, 0.6 mile west of Windy in Wayne County.
- KY 697
A - From the junction with KY 1336, 0.7 mile south of Tilton in Fleming County to the junction with KY 32, 2.0 miles southeast of Flemingsburg.
- KY 698
A - From the junction with KY 198 near the Casey-Lincoln County line via New Salem Road, Geneva, Yocum, and Miracle to the junction with US 27, 0.5 mile south of Stanford (Casey-Lincoln Counties).
- KY 699
AAA - From the junction with KY 7 near Cornettsville in Perry County to the Leslie County line.
- A - From Leslie-Perry County line to the junction with KY 80, 1.9 mile south of Wooton in Leslie County.
- KY 700
A - From the junction with KY 90, 1.0 mile southwest of Cumberland Falls to end of state maintenance at Alum Ford Campground, northwest of Whitley City.
- KY 701
A - From the junction with KY 92, southwest of Whitley City to the junction with KY 1651.
- KY 702
A - From the junction with KY 7 at Little Sandy, 2.8 miles southwest of Sandy Hook to a point 0.05 mile south of Clebitt Road.
- KY 703
A - From the junction with US 51 near the north city limits of Clinton to the junction with KY 307, 1.0 mile north of Nichols.
- KY 704
A - From the junction with KY 61, 3.1 miles north of Burkesville to the junction with KY 55, south of Columbia.
- KY 705
A - From the junction with KY 205 at Nickell, via Grassy Creek and Woodsbend, to the junction with KY 772 near Omer (Morgan County).
- KY 706
A - From the junction with KY 172 near Crockett, via Eldridge, Isonville, and Burke to the junction with KY 7, 0.4 mile

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- northwest of Green (Morgan-Elliott Counties).
- KY 707
A - From the junction with KY 3 near Fallsburg in Lawrence County to the junction with US 23 at Buchanan near Big Sandy River.
- KY 708
A - From the junction with KY 30 at Lerose, via Lone, Tallega, Monica, Canyon Falls, and Fillmore to Breathitt County line (Owsley-Lee Counties).
- KY 710
A - From the junction with KY 428 at Guston in Meade County to the junction with KY 448 in Brandenburg.
- KY 711
A - From the junction with KY 173 at Wyatt in Elliott County to end of state maintenance at Redwine in Morgan County.
- KY 712
A - From the junction with KY 146 in LaGrange to the junction with KY 153 near Jerico in Henry County.
- KY 713
AAA - From the junction with US 460 near west city limits of Frenchburg to extending southwest 1.3 miles.
A - From the junction with Pruitt-Grassy Lick Road at Grassy Lick in Montgomery County via Mt. Sterling to a point 1.3 miles southwest of US 460 near Frenchburg.
- KY 714
A - From the junction with KY 53 at Southville in Shelby County to the junction with US 60, 3.2 miles east of Shelbyville.
- KY 715
AAA - From the junction with KY 11, 0.4 mile north of Wolfe County line to the junction with Mt. Parkway at Pine Ridge, northwest of Campton.
A - From the junction with Mt. Parkway at Pine Ridge in Wolfe County to the junction with KY 77 in Menifee County.
- KY 716
AAA - From the junction with US 60 at Summit, southwest of Ashland to Armco storage yard, 1.2 miles west of US 60.
A - From Armco storage yard to the junction with KY 5.
- KY 717
A - From the junction with KY 842 at a point opposite the I-75 ramps, via Turfway Park Connector, to the junction with KY 1017 (Boone County).
- KY 718
A - From the junction with KY 223 at Dewitt in Knox County to the junction with Paint Gap Branch Road in eastern Knox County.
- KY 719
A - From the junction with KY 32 at Fannin to the Morgan County line (Elliott County).
- KY 720
A - From the junction with KY 84 at Sonora in Hardin County to the junction with Mt. Hebron Road in Grayson County.
- KY 721
A - From the junction with KY 1088, 1.3 miles southeast of Cordia in Knox County to the junction with KY 80 at Fisty in western Knott County.
- KY 722
A - From the junction with US 68, 2.0 miles west of Auburn in Logan County to the junction with Duncan Chapel Road.
- KY 723
A - From the Cumberland River in Pinckneyville in Livingston County to the junction with KY 135 at Tolu in Crittenden County.
- KY 724
A - From the junction with US 62 at Camelia in McCracken County to the junction with KY 358, 0.7 mile east of Grahamville.
- KY 725
A - From the junction with KY 305 at West Paducah to the junction with KY 358, 1.2 miles west of Rossington.
- KY 726
A - From the junction with US 62, 1.6 miles north of McCracken-Ballard County line to the junction with KY 725, 1.0 mile west of Heath.
- KY 727
A - From the junction with US 25W, 2.5 miles southwest of Corbin to the junction with US 25W in Corbin.
- KY 728
AAA - From the junction with I-65, east of Bonnieville to 0.8 mile west of US 31W, west of Bonnieville.
A - From the junction with KY 259, 1.4 miles south of Bee Springs (Edmonson County) to 0.8 mile west of US 31W near Bonnieville in Hart County; and from the junction with I-65, east of Bonnieville to the junction with KY 357 near Hammonville.
- KY 729
A - From the junction with US 68 in Green County, 0.5 mile north of the Metcalfe County line, to the junction with KY 218, northeast of Crailhope.
- KY 730
A - From the junction with Old US 62 near Eddyville State Reformatory to the junction with KY 903 in southeast Lyon County.
- KY 731
A - From the junction with US 60 in Paducah to the junction with KY 1881 (Buckner Lane).
- KY 732
A - From the junction with KY 94, 4.9 miles northeast of Murray to the junction with James Morris Road near Kentucky Lake.
- KY 733
A - From the junction with US 62 at Craves, 3.4 miles west of Bardstown to the junction with KY 61, 1.8 miles northeast of Lebanon Junction.
- KY 734
A - From the junction with US 127, 2.7 miles north of Albany to the junction with US 127 near Cave Spring Church, 1.5 miles north of Ida.
- KY 735
A - From the junction with KY 10 at Flagg Spring in Campbell County to the junction with KY 8 at Mentor.
- KY 736
A - From the junction with KY 79, 1.8 miles northeast of Butler County line to the junction with KY 110, south of Rough River Dam State Park (Grayson County).
- KY 737
A - From the junction with KY 259 in Leitchfield in Grayson County to the junction with KY 259 at Madrid in Breckinridge County.
- KY 738
A - From the junction with US 127 in Albany to Wolf River boat dock near Tennessee state line.
- KY 739
A - From the junction with KY 1041, 4.1 miles north of Dot in Logan County to the junction with KY 96 near Red Oak Church.
- KY 740
A - From the junction with US 68 near the northeast city limits of Glasgow to the junction with KY 677 at the Hart County line.
- KY 741
A - From the junction with KY 92 at Newton Road (McCreary County) via west Appletree Road to a point 0.15 mile south of KY 742.
- KY 742
A - From the junction with KY 92 at Revelo, south of Whitley City, via Hickory Grove, to a point 0.2 mile east of entrance to Big South Fork camping area (McCreary County).
- KY 743
A - From the junction with US 31W, northeast of Bowling Green to the junction with KY 442, 1.1 miles southwest of Pig in Edmonson County.

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- KY 744
AA - From the junction with KY 210, northwest of Campbellsville to the junction with US 68, north of Campbellsville.
A - From the junction with US 68, north of Campbellsville to the junction with KY 337 near Mannsville.
- KY 745
A - From the junction with US 68 in Metcalfe County, 1.2 miles south of the Green County line to the junction with KY 487, 0.2 miles south of Exie in Green County.
- KY 746
A - From the junction with KY 191, northeast of Campton in Wolfe County to the junction with US 460 near Denniston in Menifee County.
- KY 747
A - From the junction with KY 94 in Murray, via 18th Street to the junction with KY 1327.
- KY 748
A - From the junction with KY 1327 in Murray, via Brinn Road to the junction with Valentine Avenue
- KY 749
A - From South end of culvert near Beaver Lake via Hickory Grove in Anderson County to the junction with KY 513 at Bonds Mill.
- KY 750
A - From the junction with US 23 near Kenwood Blvd. in Russell, via Flatwoods Road, Powell Street, Lexington Avenue, Raceland Avenue, and Pond Run Road to the junction with US 23 in Raceland.
- KY 752
A - From the junction with KY 1937, 4.2 miles south of Mavity in Boyd County to the junction with US 23 near Big Sandy River.
- KY 753
A - From the junction with US 27 at Bryantsville in Garrard County to the junction with KY 1845.
- KY 754
AAA - From the junction with US 42 near the south city limits of Bedford (Trimble County) to the junction with KY 1488, north of Wise's Landing.
- KY 755
A - From the junction with KY 173 in western Elliott County to the junction with KY 556 near Sandy Hook.
- KY 756
A - From the junction with US 41A, 6.6 miles south of Hopkinsville to the junction with KY 1027, 1.8 miles east of Masonville.
- KY 757
AAA - From the junction with US 23, 1.2 miles north of Lockwood, extending northward to another junction with US 23, south of I-64 (Boyd County).
A - From the junction with KY 1937, 1.3 miles south of Mavity in Boyd County to the junction with US 23, 1.2 miles north of Lockwood.
- KY 758
A - From the junction with KY 56, 2.4 miles southeast of Morganfield to the junction with County Road near the Webster County line.
- KY 759
A - From the junction with US 27 in McCreary County, near the Tennessee state line to the junction with KY 1470.
- KY 760
A - From US 60 near east city limits of Waverly in Union County to end of state maintenance, 2.595 miles east of US 60.
- KY 761
A - From beginning of state maintenance at Lake Cumberland (Wayne County) to the junction with KY 235, south of Nancy in Pulaski County.
- KY 762
A - From the junction with KY 764 at Bells Run in Ohio County to the junction with KY 142 at Habit in Daviess County.
- KY 763
A - From the junction with KY 137 near Bayou in western Livingston County to the junction with US 60 at Burna.
- KY 764
A - From the junction with US 231 near Pleasant Ridge in Daviess County, via Bells Run in Ohio County to the junction with KY 144, 3.5 miles southeast of Knottsville in Daviess County.
- KY 765
A - From the Tennessee state line in Logan County to the junction with KY 664, 1.8 miles east of Schochoh in Logan County.
- KY 766
AAA - From the junction with US 60, 1.0 mile southwest of Ashland to Little Hoods Creek, 0.5 mile north of US 60.
A - From Little Hoods Creek to the junction with KY 5.
- KY 767
A - From the junction with KY 439 near the northwest city limits of Columbia to the junction with KY 61 in Green County.
- KY 768
A - From the junction with KY 61, near Milltown in Adair County to the junction with KY 92, 1.5 miles northwest of Russell County line.
- KY 769
A - From the junction with KY 80 in Somerset to Buck Creek Boat Dock at Lake Cumberland.
- KY 770
AAA - From the junction with KY 312, approximately 2.5 miles south of Keavy, to the junction with US 25E at the west ramps of I-75.(Laurel County).
- KY 771
A - From the junction with KY 379 near Ribbon in Russell County to a point 1.53 miles southeast of KY 379.
- KY 772
A - From the junction with US 460 near Ezel in Morgan County to the junction with KY 519.
- KY 773
AAA - From the junction with KY 1 at Hitchens in Carter County to a point 0.5 mile east of beginning.
A - From the junction with KY 7, south of Grayson to the junction with KY 1 at Hitchens; and from a point 0.5 mile east of KY 1 at Hitchens to the junction with KY 3 at Boltsfork in Boyd County.
- KY 774
A - From the junction with Ky 121 in Murray to the junction with KY 1327 and Chestnut Street in Murray.
- KY 775
A - From the junction with US 79, 8.0 miles southwest of Russellville to the junction with KY 1041.
- KY 776
A - From the junction with KY 92, 1.6 miles southeast of Monticello to end of state maintenance at west limits of bridge over Lincoln Creek (Wayne County).
- KY 777
A - From the junction with KY 80 in Knott County to the junction with KY 2554, 0.6 west of Langley (Knott-Floyd Counties).
- KY 778
A - From the junction with KY 139 in Cadiz in Trigg County to the junction with KY 93, 1.5 miles southeast of Lamasco in Lyon County
- KY 779
A - From the junction with KY 26, 0.8 mile south of Wofford in Whitley County to the junction with KY 11 at Gausdale.
- KY 780
A - From the junction with US 51 at Clinton to the junction with KY 58, 2.6 miles east of Clinton.
- KY 781
A - From the Tennessee state line in Fulton County to the junction with KY 1529, 0.9 mile east of Moscow in Hickman County.

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- KY 782
A - From the junction with KY 795, 4.0 miles southeast of Sharpe in Marshall County to the junction with US 68, 2.1 miles east of Palma.
- KY 783
A - From the junction with KY 893 in Calloway County 1.3 miles north of Tennessee state line to the junction with Wadesboro-Magness Road and from the junction with KY 80 in Marshall County to the junction with KY 1824 at South Marshall.
- KY 784
A - From the junction with KY 1 near Hopewell in Greenup County to the junction with KY 7 at Sunshine.
- KY 785
A - From the junction with KY 32 north of Morehead to end of state maintenance at Smile.
- KY 786
A - From the junction with KY 339, two (2.0) miles north of Melber in McCracken County to the junction with KY 724 near Milburn Chapel.
- KY 787
A - In McCracken County from the Marshall County line, via Bryant Fork Road and Bryant Road to the junction with KY 131 at Reidland.
- KY 789
A - From the junction with KY 92, 1.4 miles northwest of Monticello in Wayne County to end of state maintenance at Camp Earl Wallace.
- KY 790
A - From a point 1,150 feet north of Roberts-Morrow Road at Pueblo in Wayne County to the junction with KY 90 near Bronston in Pulaski County.
- KY 791
A - From the junction with KY 92 at Smithtown in McCreary County to the junction with Worley Road.
- KY 792
A - From the junction with KY 87 at Gamaliel in Monroe County to the junction with KY 100 near East Fork of Barren River.
- KY 793
A - From the junction with US 68 near the north city limits of Greensburg to the junction with US 68, 2.6 miles northeast of Greensburg.
- KY 794
A - From the junction with KY 89, 1.4 miles south of Hargett in Estill County to the junction with KY 1705 north of North Irvine (Estill County).
- KY 795
A - From the junction with US 641, one and nine-tenths (1.9) miles north of Benton to the junction with KY 1042 two-tenths (0.2) mile south of I-24 in Marshall County.
- KY 796
A - From the junction with KY 136 in Beech Grove (McLean County) extending east 1.9 miles to the junction with KY 797.
- KY 797
A - From the junction with KY 256, 2.6 miles southeast of Beech Grove (McLean County) to the junction with KY 136, 2.3 miles east of Beech Grove.
- KY 798
A - From the junction with KY 136, 4.7 miles east of Calhoun to the junction with KY 140 near the Daviess County line.
- KY 799
A - From the junction with US 60, 1.5 miles west of Hays Crossing in Rowan County to end of state maintenance at Waltz.
- KY 800
A - From the junction with KY 109, 6.0 miles northeast of Macedonia in Christian County to the junction with KY 107, 1.0 mile northeast of Bluff Springs.
- KY 801
AAA - From the junction with US 60 at Farmers in Rowan County to the junction with KY 826 at Cave Run Dam.
- A - From the junction with KY 519 in southern Rowan County to the junction with KY 826 at Cave Run Dam; and from the junction with US 60 at Farmers to the junction with KY 158 at Sharkey.
- KY 802
A - From the junction with KY 121 south of Blandville in Ballard County to the junction with US 60 at LaCenter.
- KY 803
A - From the junction with KY 113, 1.0 mile north of Milestone in Letcher County to a point 0.15 mile south of Lick Fork Road.
- KY 804
A - From the junction with US 27, 0.8 mile southeast of Tatesville, via Strunk-Garland Road, to waters edge of Lake Cumberland (Pulaski County).
- KY 805
AA - From the junction with US 119, southeast of Kona in Letcher County, via Kona and Haymond to the junction with US 23 and US 119 at Jenkins.
- KY 806
A - From the junction with US 119 near Oven Fork in Letcher County to the junction with Right Fork Franks Creek Road.
- KY 807
A - From the junction with KY 164, 0.5 mile west of Donaldson in Trigg County to the junction with KY 139, 7.8 miles south of Cadiz.
- KY 808
A - From the junction with KY 123, 1.9 miles north of Hailwell in Hickman County to the junction with KY 123 near Obion Church.
- KY 810
AAA - From the Money Cliff Road (CR 5210) to the junction with US 62 southwest of Kuttawa (Lyon County).
A - From beginning of state maintenance at boat ramp at Lake Barkley to the Money Cliff Road; and from the junction with US 62 via Martins Chapel Road and Ross Ferry Loop to the junction with KY 93 at Azalea.
- KY 811
A - From the junction with US 60 at Beals in Henderson County to the junction with US 60 at Reed.
- KY 812
AAA - From the junction with US 41 in Henderson to entrance to Goldsberry Mine, 1.8 miles southeast of US 41.
A - From Atkinson Street in Henderson to the junction with US 41; and from Goldsberry Mine entrance to the junction with KY 1078.
- KY 813
AAA - From the junction with US 41A in Mortons Gap to a mine haul road, eighty-five hundredths (0.85) mile south of KY 1622 in Christian County.
A - From the junction with the mine haul road, eighty-five hundredths (0.85) mile south of KY 1622 in Christian County, via White Plains and Mt. Carmel to the junction with KY 189 Apex in Hopkins County.
- KY 814
A - From the junction with KY 109 in Hopkins County to the junction with US 41A in Providence.
- KY 815
A - From the junction with KY 81 near north city limits of Calhoun to the junction with KY 56 at West Louisville in Daviess County.
- KY 816
A - From the Tennessee state line in Simpson County to the junction with KY 383 near southwest city limits of Franklin.
- KY 818
A - From the junction with KY 730, 0.5 mile south of Saratoga in Lyon County to the junction with US 62 near the Caldwell County line.
- KY 819
A - From the junction with KY 93, north of Kuttawa to the

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- junction with KY 93, 1.0 mile northwest of Macedonia Church.
- KY 820
A - From the junction with KY 249, 3.4 miles south of Roseville in Barren County to the junction with KY 63, 2.0 miles south of Freedom.
- KY 821
A - From the junction with KY 822, in Murray via Sycamore Street to the junction with US 641 in Murray.
- KY 822
A - From the junction with KY 1550 in Murray to the junction with KY 94 in Murray.
- KY 823
A - From the junction with KY 477 near Raymond in Breckinridge County to the junction with KY 261, 0.5 mile north of Meade-Breckinridge County line.
- KY 824
A - From the junction with US 27, 2.8 miles north of Grants Lick in Campbell County to the junction with KY 1121 at Persimmons Grove.
- KY 825
A - From the junction with US 460 at Oil Springs in Johnson County to the junction with KY 1428 at Hager Hill.
- KY 826
A - From the junction with US 60 near Midland in Bath County via Cave Run Dam to the junction with KY 801 in Rowan County.
- KY 827
A - From the junction with KY 7 near Lynn in Greenup County to the junction with US 23 at Greenslaid.
- KY 828
A - From the junction with KY 1 near Dennis Chapel in Lawrence County to end of state maintenance at Corps of Engineers boundary at Yatesville Reservoir Lake.
- KY 829
A - From the junction with KY 90, 0.5 mile west of Nora in Clinton County to the junction with KY 558 at Cumberland City.
- KY 830
A - From the junction with US 25W near Lewis Street in North Corbin to the junction with KY 80, 1.2 miles north of Lesbas.
- KY 831
A - From the junction with KY 171 in Muhlenberg County, 2.7 miles northwest of Todd County line to the junction with KY 890.
- KY 832
A - From the junction with KY 619, 0.4 mile southeast of Gum Corner in Russell County to the junction with KY 379, 5.0 miles southwest of Russell Springs.
- KY 833
A - From the junction with KY 92, 1.5 miles north of Monticello to the junction with KY 1275 (Wayne County).
- KY 834
A - From the junction with KY 200 at Hidalgo in Wayne County to the junction with KY 1546 near Ramsey Island.
- KY 835
A - From the junction with US 31W at West Point in Hardin County to another junction with US 31W.
- KY 836
A - From the junction with US 25W, 1.0 mile southeast of Clio in Whitley County to the junction with KY 511, 1.2 miles southeast of Walden.
- KY 837
A - From the junction with KY 501 at Duncan in Casey County to the junction with New Pleasant Point-Faubush Road in Pulaski County.
- KY 838
A - From the junction with KY 135 at Hampton in Livingston County to the junction with KY 723, 1.4 miles south of Irma in Crittenden County.
- KY 839
AA - From the junction with KY 63, northwest of Tompkinsville to the junction with KY 90 near Eighty Eight in Barren County.
- KY 840
A - From the junction with US 119 at Tremont in Harlan County, via Keith and Loyall to the junction with KY 72, north of Harlan.
- KY 841
AAA - From the junction with US 31W in southwest Jefferson County, via Gene Snyder Freeway, to the junction with I-65; also from the junction with I-71 to the junction with US 42, northeast of Louisville.
- KY 842
AA - From the junction with US 25 at Devon, south of Florence, to the junction with US 42 near southwest city limits of Florence; and from the junction with KY 18 near northwest city limits of Florence to the junction with KY 1017 at the north city limits of Florence (Boone County).
- A - From the junction with US 42 to the junction with KY 18 (Boone County).
- KY 843
A - From the junction with US 68, 4.9 miles east of Lebanon to the junction with KY 1195 at Poplar Grove.
- KY 844
A - From the junction with KY 205 near Buskirk, via Payton, to the junction with KY 191 northeast of Stacy Fork (Morgan County).
- KY 845
A - From the junction with US 127, 2.7 miles northeast of Monterey in Owen County to the junction with US 127 near Long Ridge, 3.1 miles north of Owenton.
- KY 846
A - From the junction with KY 30 at Sturgeon in Owsley County to the junction with KY 11 at Conkling.
- KY 847
A - From the junction with KY 30 at Travellers Rest in Owsley County to the junction with KY 30 at Levi.
- KY 848
A - From the junction with US 41 at Trenton in Todd County to the junction with KY 102 west of Keysburg at Logan County.
- KY 849
A - From the junction with KY 307 and Old Mayfield Road in eastern Carlisle County to the junction with KY 131 near Kaler in Graves County.
- KY 850
A - From the junction with KY 80 at Midas in Floyd County to the junction with KY 404 at Goodloe.
- KY 851
A - From the junction with KY 89 at South Irvin in Estill County to end of state maintenance near Evelyn in Lee County.
- KY 853
A - From the junction with KY 189, 7.0 miles southwest of Greenville to the junction with KY 171, 2.8 miles south of Weir.
- KY 854
A - From the junction with US 60 at Kilgore in eastern Carter County to the junction with KY 1937 in Boyd County.
- KY 855
A - From the junction with KY 902, east of Dycusburg, in Crittenden County to the junction with US 60, 1.0 mile southwest of New Salem.
- KY 856
A - From the junction with US 25W in Williamsburg to the junction with US 25W north of Williamsburg.
- KY 857
A - From the junction with KY 132 near Free Union in Webster County to the Union County line.
- KY 858
A - From the junction with KY 90, 1.7 miles northeast of Susie

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- in Wayne County to the junction with KY 200 at Bethesda.
- KY 859
AAA - From the junction with US 60, 2.5 miles west of Fayette-Clark County line to the junction with KY 57 at Lexington-Bluegrass Army Depot at Avon.
- KY 860
A - From the junction with KY 170 at Flemingsburg the junction with in Fleming County to the junction with KY 1200 northwest of Flemingsburg.
- KY 861
A - From the junction with KY 640 at Randolph in Metcalfe County to the junction with US 68 west of Edmonton.
- KY 862
A - From the junction with US 41, 1.0 mile south of Hanson in Hopkins County to the junction with KY 2082 northeast of Anton.
- KY 863
A - From the junction with KY 486 at Dobbins in Elliott County to a point 0.12 mile south of Boggs Cemetery Road.
- KY 864
AAA - From the junction with Eastern Parkway (US 60A) in Louisville to the junction with KY 2053 near the Bullitt County line.
A - From US 31E at Baxter Avenue in Louisville to the junction with Eastern Parkway in Louisville.
- KY 865
A - From the junction with KY 70 near Clarence in Pulaski County to the junction with KY 328, 2.5 miles west of Bee Lick.
- KY 866
A - From the junction with KY 93 near Newbern in Livingston County to the junction with KY 70 at Tiline.
- KY 867
AAA - From the junction with KY 1635 northwest of Sublett in Magoffin County to the junction with KY 7 northwest of Royalton; and from the junction with KY 7 at Royalton to the junction with KY 1088 at Ivyton (Magoffin County).
A - From the junction with KY 1635 northwest of Sublett to the junction with KY 1090, 0.6 mile south of Lakeville.
- KY 868
A - From the junction with US 31W in Muldraugh (Meade County) to the Fort Knox boundary.
- KY 869
A - From the junction with KY 70 near Sulphur Wells in Metcalfe County to the junction with KY 314 at Center.
- KY 870
A - From the junction with KY 1366 near Gum Tree in Monroe County to the junction with KY 63 at Mudlick.
- KY 871
A - From the junction with KY 360, 1.6 miles northeast of Spring Grove in Union County to the junction with KY 360, 1.6 miles southwest of Uniontown.
- KY 873
A - From the junction with US 41A, 5.3 miles north of Dixon in Webster County to the junction with Dixon-Wanamaker Road.
- KY 874
A - From the junction with KY 270 at Lisman, 4.6 miles north of Providence to the junction with KY 1340.
- KY 875
A - From the junction with KY 165, 2.4 miles north of Mt. Olivet to the junction with KY 1159, 1.6 miles north of Woolcott (Robertson-Bracken Counties).
- KY 876
AAA - From the junction with I-75, southwest of Richmond to the junction with KY 52, east of Richmond.
AA - From the junction with I-75, southwest of Richmond to extending west to Silver Creek Bridge.
A - From the junction with KY 595, 2.0 miles north of Round Hill (Madison County) to the Silver Creek Bridge.
- KY 877
A - From the junction with KY 123 at Berkley in Carlisle County to the junction with US 51 in Arlington.
- KY 878
A - From the junction with KY 69, 0.5 mile northeast of Sulphur Springs in Ohio County to the junction with KY 54, 0.5 mile west of Yeaman Church in Grayson County.
- KY 879
A - From the junction with KY 112, 3.0 miles southwest of Earlington to the junction with KY 1337, 2.0 miles east of Richland.
- KY 880
AAA - From the junction with KY 1435 at Main Street in Bowling Green, via Hobson Lane, Campbell Lane, and Lovers Lane to the junction with KY 234, near east city limits of Bowling Green (Warren County).
- KY 881
A - From the junction with US 119, 3.8 miles east of Meta in Pike County to the junction with Right Fork of Brushy Creek Road at Jarad.
- KY 882
A - From the junction with US 460 in Morgan County, near the Menifee County line to the junction with Maytown Road, 1.3 miles south of Ezel.
- KY 883
A - From the junction with US 68, 3.7 miles southwest of Campbellsville to the junction with KY 210, 2.2 miles northwest of Campbellsville.
- KY 884
AAA - From the junction with Green River Parkway, south of Bowling Green to the junction with US 231 near northwest side of I-65 Interchange.
A - From the junction with KY 240 at Woodburn to the junction with Green River Parkway.
- KY 885
A - From the junction with KY 7, northeast of Green in Elliott County to end of state maintenance, 2.068 miles northeast of KY 7.
- KY 886
A - From the junction with KY 144, 1.0 mile northwest of Frymire in Breckinridge County, extending into Meade County and return to Breckinridge County to a point 2950 feet north of the J. L. Swink Road.
- KY 887
A - From the junction with KY 962, 4.4 miles northeast of Fairdealing in Marshall County to Kentucky Lake.
- KY 888
A - From the junction with KY 367, 2.5 miles north of Elizaville in Fleming County to the junction with KY 161, 0.5 mile south of Mason County line.
- KY 889
A - From the junction with KY 88, 1.4 miles south of Johnson Crossroads in Grayson County to end of state maintenance near the junction with of Ponderosa Road.
- KY 890
A - From the junction with KY 181 at Clifty in Todd County to the junction with KY 181, 7.4 miles southeast of Greenville.
- KY 891
A - From the junction with KY 85, 1.3 miles west of Island in McLean County to the junction with KY 138, 5.4 miles southeast of Calhoun.
- KY 892
A - From the junction with KY 254 near the northeast city limits of Madisonville to the junction with KY 862 near Madisonville Airport.
- KY 893
A - From the junction with KY 121 at the Calloway-Graves County line to the junction with KY 121 near Cherry, 3.0 miles southeast of Murray.
- KY 894
A - From the junction with KY 121, 1.1 miles southeast of Murray to end of state maintenance, 0.815 mile north of KY

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- 121.
- KY 895
A - From the junction with KY 204, 0.3 mile north of Redbird in Whitley County to the junction with KY 204, 0.3 mile north of Canada Church Road.
- KY 896
A - From the junction with KY 90, 1.5 miles northwest of Honeybee in McCreary Co to Laurel River Boat Dock at Lake Cumberland.
- KY 897
A - From the Owen-Franklin County line to the junction with KY 368, 3.8 miles southeast of Monterey.
- KY 898
A - From the junction with US 127, 2.2 miles north of Frankfort to the junction with US 127, 4.6 miles north of Frankfort.
- KY 899
A - From the junction with KY 160 near Brinkley via Mallie, Pippa Passes, and Raven in Knott County to the junction with KY 7 near the Floyd County line.
- KY 900
A - From the junction with KY 55 at Glens Fork in Adair County to the junction with Nelson Ridge Road near Cundiff.
- KY 901
A - From the junction with KY 551, 1.6 miles north of Columbia to the junction with KY 1323, 1.7 miles northeast of Columbia.
- KY 902
A - From the junction with KY 139 at Creswell in Caldwell County to the junction with KY 70 at Dycusburg in Crittenden County.
- KY 903
A - From the junction with KY 93 at Lamasco in Lyon County to the junction with KY 293, 2.1 miles southwest of Princeton.
- KY 904
A - From the junction with KY 92, 5.0 miles west of Williamsburg to the junction with KY 92 at Siler in southeast Whitley County.
- KY 905
A - From the junction with US 641 in Hardin via 2nd Street and Commerce to the junction with KY 80 in Hardin (Marshall County).
- KY 906
A - From the junction with US 127 at Kidds Store in Casey County to the junction with Burnt Cabin Knob Road, 1.8 miles north of KY 78.
- KY 907
AAA - From the junction with US 31W at Valley Station to the junction with KY 1020 near south city limits of Louisville.
- KY 908
A - From the junction with KY 292 near mouth of Turkey Creek to the junction with Old Road Fork Road at Pressce (Martin County).
- KY 909
AAA - From the junction with US 25 in Laurel County, 0.8 mile southeast of Rockcastle County line to the junction with I-75.
A - From the junction with I-75 to a point 0.49 mile southwest of I-75.
- KY 910
A - From the junction with KY 80, 1.8 miles east of Russell Springs to the junction with US 127 at Phil in Casey County.
- KY 911
A - From the junction with US 41A in Christian County, 1.5 miles north of the Tennessee state line to extend southeast, via Hensleytown to Tennessee state line.
- KY 912
A - From the junction with KY 704, 5.3 miles northeast of Burkesville to a point 1,000 feet east of Crocus Creek Bridge.
- KY 913
AAA - From the junction with US 68 in Lexington, via Lane Allen Road, Rosemont Garden, and Southland Drive to the junction with US 27 in Lexington.
- KY 916
A - From the junction with KY 210 near southeast city limits of Hodgenville to another junction with KY 210 1.0 miles southeast of Jerico (Larue County).
- KY 917
A - From the junction with US 62 at Kale City in Livingston County to the junction with KY 866 near New Bethel School.
- KY 918
A - From the junction with Canton-Blue Spring Road near Lake Barkley to Lake Barkley State Park entrance road.
- KY 919
A - From the junction with KY 878 at Street John's Church in Ohio County to the junction with KY 54, 4.7 miles southeast of Fordsville.
- KY 920
AAA - From the junction with US 62 in Leitchfield in Grayson County to extending northeast 1.0 mile.
A - From a point 1.0 mile northeast of US 62 to the junction with KY 1600 at the Hardin-Meade County line.
- KY 921
A - From the junction with KY 98 near the Allen-Barren County line to the junction with KY 249, 4.6 miles south of Roseville in Barren County.
- KY 922
AAA - From the junction with US 25 in Lexington to the junction with KY 1973 (Ironworks Pike) north of Lexington.
A - From the junction with KY 1973 in Fayette County to the junction with KY 620 near Turkey Foot in Scott County.
- KY 923
A - From the junction with KY 365 at Sturgis in Union County to the junction with KY 141.
- KY 924
A - From the junction with KY 781 in Fulton County via Crutchfield to the junction with KY 1529 in Hickman County.
- KY 925
A - From Tennessee state line in Fulton County to the junction with KY 309, 2.3 miles south of Hickman.
- KY 926
A - From the junction with KY 1160 at Dugansville in Mercer County to the junction with KY 390 at the Washington County line.
- KY 927
A - From the junction with US 27, 0.8 mile southwest of Parkers Lake in McCreary County to Boat Ramp at South Fork of Cumberland River.
- KY 928
A - From the junction with KY 36, north of Moorefield in Nicholas County to the junction with Cassidy Road.
- KY 929
A - From the junction with KY 139 in Cadiz, via Marion Street to the junction with US 68 in Cadiz.
- KY 930
A - From the junction with KY 225 at Artemus in Knox County to the junction with US 25E, northwest of Flat Lick.
- KY 931
A - From the junction with KY 160 near Kings Creek in Letcher County to the junction with KY 7, south of Colson.
- KY 932
A - From the junction with US 119, northeast of Oven Fork in Letcher County to the Virginia state line.
- KY 933
AAA - From the junction with KY 448, 0.4 mile southeast of Brandenburg to entrance to Industrial Plant.
AA - From entrance to Industrial Plant to the junction with KY 1638, southeast of Brandenburg.
- KY 934

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- A - From the junction with KY 39 at Woodstock in Pulaski County to the junction with KY 461 near the Rockcastle County line.
- KY 935
 - A - From the junction with KY 39, 13.8 miles northeast of Somerset to the junction with KY 934, 1.2 miles west of Walnut Grove.
- KY 936
 - AAA - From the junction with US 31E near Jonesville in Hart County to the junction with KY 566 in northwest Green County.
 - A - From the junction with KY 357, 2.3 miles west of Jonesville (Hart County) to the junction with US 31E at Jonesville.
- KY 937
 - A - From the junction with US 60, 3.4 miles south of Smithland to the junction with KY 453, 3.9 miles southeast of Smithland.
- KY 938
 - A - From the junction with Brasswell-Bybee Road in Madison County, approximately 2.5 miles south of KY 52 at Bybee to extending east 2.935 miles to end of state maintenance.
- KY 939
 - A - From the junction with KY 138, 1.5 miles southwest of Ramsey in McLean County to a point 0.16 mile south of Cypress Creek Bridge.
- KY 940
 - A - From the junction with KY 121, 2.5 miles southeast of Mayfield to the junction with KY 464, 1.8 miles east of Mayfield.
- KY 941
 - A - From the junction with KY 1238 at the Meade-Breckinridge County line to the junction with KY 144 at Ekron (Meade County).
- KY 943
 - A - From the junction with KY 129 in Graves County at Tennessee state line to the junction with KY 94 near Water Valley.
- KY 944
 - A - From the junction with KY 58, 5.5 miles east of Clinton to the junction with US 45 near the south city limits of Wingo in Graves County
- KY 945
 - A - From the junction with KY 121, 4.0 miles northwest of Mayfield to the junction with KY 339 near Melber.
- KY 946
 - A - From the junction with KY 746, 0.4 mile west of Pomeroyton in Menifee County to the junction with US 460, 1.8 miles southeast of Ezel in Morgan County.
- KY 947
 - A - From junction KY 56 at Morganfield to the junction with KY 871, 1.4 miles east of Raleigh (Union County).
- KY 948
 - A - From the junction with KY 947, 1.5 miles northwest of Morganfield to the junction with KY 130, north of Morganfield.
- KY 949
 - A - From the junction with KY 106, south of Huntsville in Butler County to the junction with US 431 at Penrod in Muhlenberg County.
- KY 950
 - A - From the junction with US 60, 4.1 miles northeast of Strugis to the junction with KY 758, 0.5 mile south of Cullen (Union County).
- KY 951
 - A - From the junction with KY 144 at Knottsville in Daviess County to the junction with KY 1389 at Gatewood.
- KY 952
 - A - From the junction with US 62 at Lake City in Livingston County to the junction with KY 453 at the Lyon County line.
- KY 953
 - A - From the junction with KY 214, 1.2 miles north of Raydure in Monroe County to KY 61 near Littrell in Cumberland County.
- KY 954
 - A - From the junction with KY 52, 7.7 miles east of Lancaster to the junction with KY 21, 3.2 miles southwest of Berea.
- KY 955
 - A - From the junction with KY 504 at the Carter-Elliott County line to the junction with KY 174 near Lawton in Carter County.
- KY 956
 - A - From the junction with KY 1631 north of I-264, via Ashton Avenue and Phillips Lane, to the junction with KY 61 (Jefferson County).
- KY 957
 - A - From the junction with US 31W, northeast of Bowling Green to the junction with KY 526.
- KY 958
 - A - From the junction with US 68 northeast of Montgomery in Trigg County to the junction with KY 276 near Rocky Ridge Church.
- KY 959
 - A - From the junction with KY 80, 1.2 miles west of Bliss in Adair County to the junction with KY 768 near Milltown.
- KY 960
 - A - From the junction with KY 1554, 2.4 miles north of Sorgho in Daviess County to the junction with Birk City-Stanley Road.
- KY 961
 - A - From the junction with US 231 near Alvaton in Warren County to the junction with KY 234 near Claypool.
- KY 962
 - A - From the junction with KY 80, 1.0 mile east of Hardin in Marshall County to end of state maintenance near Girl Scout Camp at Kentucky Lake.
- KY 963
 - A - From the junction with US 68, 1.5 miles southeast of Briensburg in Marshall County to Kentucky Lake.
- KY 964
 - A - From a point 0.124 mile southeast of the junction with KY 663, northeast of Adairville in Logan County to a point 50 feet east of Sinking Creek Bridge.
- KY 965
 - A - From the junction with US 60, 3.7 miles southeast of Owingsville to the junction with KY 713 in Montgomery County.
- KY 966
 - A - From the junction with KY 3, 2.1 miles southwest of Mavity in Boyd County to the junction with US 60 at Coalton.
- KY 967
 - A - From the junction with US 60 in Smithland, via Wilson, State and Mill Streets to the junction with US 60.
- KY 968
 - A - From the junction with Beatty School-Chanute Road near the Tennessee state line to the junction with KY 415, 2.0 miles northwest of Rolan.
- KY 969
 - A - From the junction with US 127, 2.5 miles southeast of Albany to the junction with KY 968.
- KY 970
 - A - From the junction with US 62, southwest of Paducah to the junction with KY 1322, 0.9 mile west of Lone Oak.
- KY 971
 - A - From Tennessee state line in western Fulton County to the junction with KY 653 near Sassafras Ridge.
- KY 972
 - A - From the junction with KY 732 in eastern Calloway County to end of state maintenance at Kentucky Lake.
- KY 973
 - A - From the junction with US 431 at Dunmor in Muhlenberg County to the junction with KY 181, 2.4 miles north of Logan County line.

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- KY 974
AA - From the junction with KY 1923 in Winchester to the junction with Muddy Creek Road at Hunt.
A - From the junction with Muddy Creek Road at Hunt to the junction with KY 1960 at Kiddville in eastern Clark County.
- KY 975
A - From the junction with KY 1182, 2.7 miles southeast of Pitts in Estill County to end of state maintenance near Fitchburg.
- KY 976
A - From the junction with KY 519 in Zag in Morgan County to end of state maintenance near Licking River.
- KY 977
A - From the junction with KY 52 at Waco in Madison County to end of state maintenance near the Kentucky River.
- KY 978
A - From the junction with KY 36 at New Liberty in Owen County to the junction with US 127, 1.3 miles north of Owenton.
- KY 979
A - From the junction with KY 122 at Hi Hat in Floyd County to the junction with US 23 at Harold.
- KY 980
A - From the junction with US 31E (Scottsville Bypass) to the junction with KY 100 in Scottsville (Allen County).
- KY 981
AAA - From the junction with US 60 in Marion, via Old Salem Road, to the junction with KY 91 in Marion.
- KY 982
AAA - From the junction with KY 32 (Pike Street) in Cynthiana to CSX Railroad crossing in Cynthiana north of Licking River Bridge (Harrison County).
A - From the junction with US 62 northeast of Hopewell, via Edgewater Pike and Lair to the junction with KY 32 in Cynthiana.
- KY 983
A - From the junction with US 41A in Dixon in Webster County to the junction with KY 56 near Boxville in Union County.
- KY 984
A - From Lewis-Mason County line to the junction with KY 57 near Salem Church in Lewis County.
- KY 985
A - From the junction with KY 772, 4.0 miles north of Ezel in Morgan County to end of state maintenance 0.17 mile northeast of White Creek Bridge.
- KY 986
AA - From the junction with KY 7 near Grayson Reservoir in Carter County to the junction with KY 182 near Pine Springs Church.
A - From the junction with KY 182 near Pine Springs Church to the junction with US 60 in Olive Hill.
- KY 987
AAA - From the junction with US 421 at Cawood in Harlan County extending southwest to dam site near Smith (Harlan County).
A - From the junction with US 119 southeast of Pineville via Varilla, Miracle, Oaks, and Cubage in Bell County to dam site near Smith (Bell-Harlan Counties).
- KY 988
A - From beginning of state maintenance at Cumberland Gap National Historic Park boundary to the junction with KY 188 south of Colmar (Bell County).
- KY 989
A - From the junction with KY 344 at Pleasureville in northern Fleming County to the junction with KY 10 at Charters in Lewis County.
- KY 990
A - From the junction with US 421 southeast of Harlan to end of state maintenance 1.3 miles northeast of US 421.
- KY 991
A - From the junction with KY 987 south of Cawood in Harlan County to end of state maintenance near Three Point.
- KY 992
AA - From the junction with KY 259 Hardinsburg to a point 2.6 miles west of US 60 (Breckinridge County).
A - From the junction with KY 144 southwest of Cloverport to a point 2.6 miles west of US 60 at Hardinsburg (Breckinridge County).
- KY 993
A - From the junction with KY 581 at Tudor Key in Johnson County to the junction with US 23 near Nippa.
- KY 994
A - From the junction with US 60 in Paducah via Freeman to the junction with KY 849, 1.1 miles east of Boaz in Graves County.
- KY 995
A - From the junction with US 60 in McCracken County, 0.9 mile east of Ballard County line to the junction with KY 725.
- KY 996
AAA - From the junction with US 60 west of Paducah to end of state maintenance at TVA Road.
A - From McCracken-Ballard County line to the junction with US 60 west of Paducah.
- KY 997
A - From the junction with KY 157, 4.1 miles northwest of New Castle to the junction with US 421 at Campbellsburg (Henry County).
- KY 998
A - From the junction with US 62, 2.7 miles southwest of Paducah to the junction with KY 305 near west side of I-24 Interchange.
- KY 999
A - From the junction with US 45, 3.0 miles south of Lone Oak in McCracken County to the junction with KY 1954.
- KY 1000
A - From the junction with US 460 at White Oak in Morgan County to the junction with KY 191 in Caney.
- KY 1001
A - From the junction with KY 80 at west end of Fishing Creek Bridge in Pulaski County to Lees Ford Boat Dock.
- KY 1002
A - From the junction with KY 519, 0.9 mile west of Yocum in Morgan County to end of state maintenance, 0.4 mile north of Old Ditney Ridge road.
- KY 1003
AAA - From the junction with KY 80 near Shopville in Pulaski County to 20 feet southeast of the entrance to Kentucky Stone County, a distance of 0.800 mile.
A - From the junction with KY 192 near Mount Victory in Pulaski County to 20 feet southeast of the entrance to Kentucky Stone County.
- KY 1004
A - From US 25 at Burr in Rockcastle County to the junction with KY 1955 near Cave Ridge School.
- KY 1005
A - From the junction with KY 43, 3.0 miles northeast of Shelbyville to the junction with US 127 in West Frankfort.
- KY 1006
A - From the junction with KY 192, 0.6 mile southwest of London to Levi Jackson State Park.
- KY 1007
A - From the junction with KY 272 in Hopkinsville, via North Drive and Sanderson Road to the junction with US 41 near north city limits of Hopkinsville.
- KY 1008
AAA - From the junction with US 31W near south city limits of Franklin, extending north via Franklin Bypass to another junction with US 31W, north of Franklin (Simpson County).
AA - From the junction with KY 100 near west city limits of Franklin to the junction with US 31W near south city limits of Franklin.
- KY 1009

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- A - From the junction with KY 829, 0.5 mile southwest of Narvel in Clinton County to end of state maintenance, 1200 feet southeast of Dry Hollow Road at Slickford in Wayne County.
- KY 1010
 - A - From the junction with KY 1812, near Malaga in Wolfe County to the junction with KY 946 at Maytown in Morgan County.
- KY 1011
 - A - From the junction with KY 10, 1.0 mile northwest of Berlin in Bracken County to the junction with KY 1159 at Cumminsville.
- KY 1012
 - A - From the junction with US 60, southwest of Ashland to the junction with KY 168 in Ashland.
- KY 1013
 - AAA - From the junction with KY 32, 0.5 mile north of Plummers Mill in Fleming County to a point 1.4 miles northeast of KY 32.
 - A - From the junction with KY 158, 0.7 mile east of Hillsboro to the junction with KY 32 near Plummers Mill.
 - A - From a point 1.4 miles northeast of KY 32 to the junction with KY 559, 0.9 mile west of Lewis County line.
- KY 1014
 - A - From the junction with KY 348 in southern McCracken County to the junction with KY 994, south of Paducah.
- KY 1015
 - A - From the junction with KY 728 southeast of Straw to the junction with KY 88 at Dog Creek (Edmonson-Hart Counties).
- KY 1016
 - AA - From the junction with US 25 in Berea to the junction with US 421 at Bobtown.
- KY 1017
 - A - From the junction with US 25 in Florence in Boone County to the junction with KY 236 north of Florence.
- KY 1019
 - A - From the junction with KY 10 at the Bracken-Pendleton County line to the junction with KY 8 at Foster in Bracken County.
- KY 1020
 - AAA - From the junction with Main Street in Louisville to the junction with KY 61 near Shepherdsville in Bullitt County.
- KY 1021
 - A - From the junction with KY 10 at Quincy in Lewis County to the junction with KY 784 at the Greenup County line.
- KY 1022
 - A - From the junction with KY 1203 in Western Carlisle County, via Collins Road and Laketown Road to the junction with.
- KY 1023
 - A - From the junction with KY 229, 0.8 mile east of Boreing in Laurel County to the junction with KY 830 north of Fletcher.
- KY 1024
 - A - From the junction with KY 1662, 0.8 mile northwest of I-64 in western Carter County to the junction with Right Prong Flat Fork Road.
- KY 1025
 - A - From the junction with US 60, east of Olive Hill to the junction with KY 2, 0.5 mile south of Bethel Church (Carter County).
- KY 1026
 - A - From the junction with US 68 near Gracey in Christian County to the junction with KY 109 near Palestine Church.
- KY 1027
 - A - From the junction with US 41A at Masonville in Christian County to the junction with US 68, 2.9 miles west of Todd County line.
- KY 1028
 - A - From the junction with KY 89 at Mina Station in Clark County to the junction with KY 82 near Waltersville in Powell County.
- KY 1029
 - A - From the junction with KY 165, 3.8 miles east of Piqua in Robertson County to the junction with US 62, 1.0 mile east of Sardis in Mason County.
- KY 1030
 - A - From the junction with KY 1183 at Bear Wallow in Washington County to the junction with US 150, 4.2 miles northwest of Springfield.
- KY 1032
 - A - From the junction with KY 36, 1.9 miles east of Stringtown in northwest Harrison County to the junction with US 27, 9.0 miles north of Cynthiana.
- KY 1033
 - A - From the junction with KY 281 at Vandetta in Hopkins County to the junction with KY 138, west of Slaughters.
- KY 1034
 - A - From the junction with KY 109 in western Hopkins County to the junction with KY 1178 near the northwest city limits of Madisonville.
- KY 1035
 - A - From the junction with KY 80, 1.4 miles west of London to end of state maintenance at County Farm Spur Road.
- KY 1036
 - A - From the junction with KY 11 at Zachariah in Lee County to end of state maintenance at Greeley.
- KY 1038
 - A - From the junction with KY 79, 3.5 miles northeast of Russellville to the junction with KY 1083 in Butler County.
- KY 1039
 - A - From Logan-Simpson County line to the junction with Duncan Chapel Road, northwest of Auburn in Logan County.
- KY 1040
 - A - From the junction with US 431 at Danby, northwest of Russellville to the junction with Lost City Road, 1.4 miles north of Cooperstown.
- KY 1041
 - A - From the junction with KY 96 at Dot in Logan County to the junction with US 79 near Cave Springs.
- KY 1042
 - A - From the junction with US 68, northwest of Sharpe in Marshall County to the junction with US 62, 0.8 mile east of McCracken County line.
- KY 1043
 - A - From the junction with US 23 at Edgington in Greenup County to the junction US 23 at Frostreet.
- KY 1044
 - A - From the junction with KY 92, 2.4 miles northwest of Pine Knot in McCreary County to the junction with KY 92 near Holyhill.
- KY 1045
 - A - From the junction with US 27, 1.0 mile north of flat Rock in McCreary County to the junction with KY 700, southwest of Cumberland Falls.
- KY 1046
 - A - From the junction with Calhoun-Buck Creek-Livermore Road, southeast of Livermore in McLean County to the junction with KY 140 near the Daviess County line.
- KY 1047
 - A - From the junction with KY 228, east of Cedar Flat, via Big Bend Road to the junction with Paradise Bottom Road and then via Mt. Hope Church and including all of loop in the Big Bend of Ohio River to another junction with Paradise Bottom Road (Meade County).
- KY 1048
 - A - From the junction with KY 314 at Center in Metcalfe County to the junction with KY 218 at Crailhope in Green County.
- KY 1049
 - A - From the junction with KY 163, 0.5 mile north of Tompkinsville to the junction with KY 163, 0.5 mile north of Rockbridge.

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- KY 1050
A - From the junction with KY 599 in Powell County, near the Montgomery County line to the junction with US 460, southeast of Jeffersonville in Montgomery County.
- KY 1051
AAA - From the junction with KY 448, southeast of Brandenburg to the junction with KY 79, 1.0 mile southwest of Brandenburg.
- KY 1052
A - From the junction with KY 1422 near Bethel Church in Marshall County to a point near Kentucky Lake.
- KY 1053
A - From the junction with US 27 in Pendleton County near the Harrison County line to the junction with US 27, 1.5 miles south of Falmouth.
- KY 1054
A - From the junction with KY 36, 4.7 miles northwest of Cynthiana to the junction with KY 22, 1.1 miles east of Locust Grove in Pendleton County.
- KY 1055
A - From the junction with KY 730 at the southeast city limits of Eddyville, via Lake Shore Drive and Hooks Drive to the junction with KY 93 three-tenths (0.3) mile west of the I-24/KY 293 interchange in Lyon County.
- KY 1056
A - From the junction with KY 199 near McAndrews in Pike County to the West Virginia state line.
- KY 1057
A - From the junction with KY 11 and 15 in Clay City to the junction with KY 1639, 1.3 miles south of Lombard (Powell-Estill-Powell Counties).
- KY 1058
A - From the junction with KY 379 at Creelsboro in southwest Russell County to the junction with KY 55, 1.9 miles west of Freedom.
- KY 1059
A - From the junction with KY 227, 2.2 miles northwest of Stamping Ground in Scott County to the junction with Locust Fork Road near Longlick.
- KY 1060
A - From the junction with KY 44 at Waterford in Spencer County to the junction with KY 1319 at the Bullitt County line.
- KY 1062
A - From the junction with KY 272 near US 68, 3.2 miles southwest of Cadiz in Trigg County to the junction with KY 807 at Donaldson.
- KY 1063
A - From the junction with KY 983, 1.9 miles northwest of Dixon in Webster County to the junction with US 41A, 2.5 miles north of Dixon.
- KY 1064
A - From the junction with KY 904 at Dixie in Whitley County, via Loudon and Meadow Creek to the junction with KY 6, southeast of Woodbine.
- KY 1065
AAA - From the junction with KY 907 (Third Street Road at Louisville) to the junction with US 31E, south of Fern Creek.
A - From the junction with US 31E, south of Fern Creek to the junction with KY 1819, south of Jeffersonstown.
- KY 1066
A - From the junction with US 62, 1.1 miles east of Bloomfield in Nelson County to the junction with KY 55, 0.4 miles north of Nelson County line (Nelson-Spencer Counties).
- KY 1067
A - From the junction with KY 15, northwest of Hazard, via Fifteen Mile Creek Road to the junction with KY 2446 near Dice (Perry County).
- KY 1068
A - From the junction with KY 59 near Laurel Point Church in Lewis County to extends southwest 5.67 miles to Laurel Fork Bridge near Harris.
- KY 1069
A - From the junction with KY 1751, 4.0 miles north of Madisonville to the junction with KY 120, 3.1 miles west of Slaughters in Webster County.
- KY 1070
A - From the junction with US 51 at the Hickman-Fulton county line to end of state maintenance, 1.3 miles north of US 51.
- KY 1071
AA - From the junction with KY 30, 0.4 mile north of Green Hall extending northwest 0.872 mile (Owsley County).
A - From the junction with US 421, south of Gray Hawk in Jackson County to a point 0.872 mile northwest of KY 30; and from the junction with KY 30 at Green Hall via Pierson Fork Road to the Jackson County line (Jackson-Owsley Counties).
- KY 1072
AAA - From the junction with US 42 at Fort Wright in Kenton County to the junction with I-75.
A - From the junction with KY 8 at Ludlow to the junction with US 42 at Fort Wright; and from I-75 to the junction with KY 17 near Lakeview.
- KY 1073
A - From the junction with KY 690, 0.9 mile south of Custer in Breckinridge County to the junction with KY 1401 at Locust Hill.
- KY 0174
A - From the junction with US 41A in Madisonville, via North Street and Laffon Street to entrance to state T.B. Hospital.
- KY 1075
A - From the junction with KY 185 at Nash in Edmonson County to the junction with KY 187, 0.2 mile south of Grayson County line.
- KY 1076
A - From the junction with US 127 at Static in Clinton County to the junction with KY 696, 2.1 miles south of Savage.
- KY 1077
A - From the junction with KY 70 at Flat Rock in Caldwell County, via Enon to the junction with KY 506, one and one-half (1.5) miles west of Piney Fork in Crittenden County.
- KY 1078
A - From the junction with US 60 near Spottsville in Henderson County to the junction with New Cash Creek Road in southeast Henderson County.
- KY 1079
A - From the junction with KY 569 at Hudgins in Green County to the junction with KY 357, 0.5 mile south of Brooks in Larue County.
- KY 1080
AAA - From the junction with US 431 at Nuckols in McLean County to a point 1.0 mile west of US 431.
A - From the junction with KY 250, 2.8 miles east of Buel in McLean County to a point 1.0 mile west of US 431; and from the junction with US 431 at Nuckols to the junction with KY 136 at the Ohio County line.
- KY 1081
A - From the junction with KY 40 at Falcon, 3.8 miles northeast of Salyersville to the junction with US 460 in Morgan County, 1.5 miles southeast of White Oak (Magoffin-Morgan Counties).
- KY 1082
A - From the junction with US 23 at South Shore extending west to Amtrac Station (Greenup County).
- KY 1083
A - From the junction with US 68, 3.7 miles southwest of Bowling Green to the junction with US 231 at Needmore in Butler County.
- KY 1084
A - From Tucker-Guthrie Memorial Airport, north of Loyall in Harlan County to the junction with US 119 near Baxter.

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- KY 1086
A - From the junction with KY 7 at Wayland in Floyd County to the junction with KY 122 near Minnie.
- KY 1087
AAA - From the junction with KY 476 at Ary in Perry County to a point 0.8 mile northeast of KY 476.
A - From a point 0.8 mile northeast of KY 476 in Perry County to the junction with KY 550 at Mousie in Knott County.
- KY 1088
AA - From the junction with KY 476, northeast of Hazard to the Knott County line (Perry County).
A - From the Knott-Perry County line to the junction with KY 15 at Sassafras in Knott County.
- KY 1089
A - From the junction with US 41A west of Hebo in Hopkins County to the junction with Grace-Cartwright Road, 1.9 miles north of US 41A.
- KY 1090
A - From the junction with KY 30 near Hendricks in Magoffin County to the junction with KY 7, 0.3 mile southeast of Salyersville.
- KY 1091
A - From the junction with KY 7, 1.8 miles north of Topmost in Knott County to the junction with KY 122 at Buchingham in Floyd County.
- KY 1092
A - From the junction with KY 469, 1.2 miles northeast of Keaton in northwest Johnson County to the junction with KY 201 at Kerz.
- KY 1094
A - From the junction with KY 205 at Lee City in Wolfe County to end of state maintenance at Wolf Pen Branch Road, 0.4 mile south of Bays in Breathitt County.
- KY 1095
A - From the junction with KY 15 at Vicco in Perry County to the junction with Fusonia-Kodak Road near Kodak.
- KY 1096
AAA - From the junction with KY 80 near Avawam in Perry County to the junction with KY 15 at Fourseam, south of Hazard.
- KY 1097
A - From the junction with KY 93 at Lamasco, via McNabb Creek Road, extending south eight-tenths (0.8) mile in Lyon County.
- KY 1098
AAA - From the junction with KY 15 at Quicksand in Breathitt County to the junction with KY 1111 at Quicksand Creek.
A - From the junction with KY 1111 at Quicksand Creek to the junction with KY 80 at Leburn, 0.8 mile northeast city limits of Hindman in Knott County.
- KY 1099
AAA - From the junction with KY 94, southwest of Hickman to the junction with KY 94 in Hickman.
- KY 1100
A - From the junction with KY 1750 at Whitaker in northwest Floyd County to the junction with KY 1428, 2.7 miles north of Prestonsburg.
- KY 1101
A - From the junction with KY 122 at Drift in Floyd County to the junction with Johnson Road, 1.0 mile southeast of KY 122.
- KY 1102
A - From the junction with KY 550, 0.8 mile east of Emmalena to the junction with KY 80 near Tina (Knott County).
- KY 1103
A - From the junction with KY 160, 0.6 mile northeast of Linefork in Letcher County to the junction with KY 7 at Ulvah.
- KY 1104
A - From the junction with KY 76, 4.3 miles northwest of Neatsville in Adair County to the junction with Crooked Creek Road, 5.1 miles northeast of KY 76.
- KY 1105
A - From the junction with US 60 at Barlow in Ballard County to the junction with KY 473 at Bandana.
- KY 1106
A - From the junction with KY 1325, 0.5 mile north of Reynolds-ville in Bath County to the junction with KY 11 at Bethel.
- KY 1107
A - From the junction with US 23 near Levisa Fork Bridge, 2.4 miles south of Paintsville, via Thelma to end of state maintenance near Old Friendship Church.
- KY 1108
A - From the junction with KY 37 at Forkland in Boyle County to the junction with KY 34 at Mitchellsburg.
- KY 1109
A - From the junction with KY 10, 2.7 miles southeast of Lenoxburg in Bracken County to the junction with KY 8 at Bradford.
- KY 1110
AAA - From the junction with KY 28 at the Breathitt-Perry County line to the junction with KY 15 at Haddix.
- KY 1111
AAA - From the junction with KY 1098 in eastern Breathitt County to end of state maintenance at Big Lovely Branch Road.
- KY 1112
A - From the junction with KY 227 at Langstaff in Carroll County to the junction with KY 47, 1.0 mile southeast of Ghent.
- KY 1113
A - The junction with KY 1943, via the Free Betty Ford Road to the Crittenden County line.
- KY 1114
A - From the junction with KY 30 at Turkey in Breathitt County to the junction with Short Fork-Houston Road.
- KY 1115
A - From the junction with US 421, 1.7 miles south of Harlan to extends southwest 0.203 mile near Cawood High School.
- KY 1116
A - From the junction with KY 61 at Zoneton in Bullitt County to the junction with KY 2053 in Jefferson County.
- KY 1117
AA - From the junction with 369 at Rochester, via Prove to the junction with KY 70 near Dunbar (Butler County).
- KY 1118
A - From the junction with US 231 in Butler County, 1.1 miles southeast Green River Parkway to the junction with KY 505 at Baizetown in Ohio County.
- KY 1119
A - From the junction with KY 293, 3.6 miles north of Princeton to the junction with KY 139 at Farmersville.
- KY 1120
AAA - From the junction with I-75 in Covington, via 12th Street in Covington and 11th Street in Newport to the junction with US 27 to York Street in Newport; and from the junction with US 27 at 10th and York Streets in Newport to the junction with US 27 at 10th and Monmouth Streets in Newport.
AA - From the junction with Waterworks Road in Ft. Thomas to junction US 27 in Ft. Thomas. Note: Toll bridge over Licking River not state maintained.
A - From the junction with US 27 at 10th and Monmouth Streets in Newport to junction Waterworks Road in Ft. Thomas.
- KY 1121
A - From the junction with KY 10 at Wesley Chapel in south-east Campbell County to the junction with KY 10 in Alexandria.
- KY 1122
A - From the junction with KY 1496, 3.4 miles west of Willard in Carter County to the junction with KY 486 near the Carter-Elliott County line.

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- KY 1123
 A - From the junction with KY 57, 0.5 mile south of Battle Run in Fleming County to the junction with KY 1325, 3.6 miles south of Craintown.
- KY 1124
 A - From the junction with KY 121, 3.1 miles southeast of Mayfield, via Vulton Creek and Calloway School Roads and the County Line Road in Graves County.
- KY 1125
 A - From the junction with KY 166, 4.6 miles west of Fulton to the junction with KY 924, southwest of Crutchfield.
- KY 1126
 A - From the junction with KY 1125, 2.0 miles southwest of Crutchfield in eastern Fulton County to the junction with Crutchfield Road, 1.2 miles south of Crutchfield.
- KY 1127
 A - From the junction with KY 116 at the Tennessee state line (Fulton County) to the junction with KY 94, 5.4 miles east of Hickman.
- KY 1128
 A - From the junction with KY 1463, 2.5 miles south of Hickman to the junction with KY 239, 1.3 miles south of Cayce.
- KY 1129
 A - From the junction with KY 125, 2.2 miles southeast of Hickman to the junction with KY 239, 2.6 miles north of Cayce.
- KY 1130
 A - From the junction with KY 465 in Gallatin County, 1.8 miles east of Carroll County line to the junction with KY 35, 2.0 miles southwest of Warsaw.
- KY 1131
 A - From the junction with KY 39 at McCreary in Garrard County to the junction with KY 1295.
- KY 1132
 A - From the junction with KY 36 at Jonesville in Grant County to the junction with KY 467 at Folsom.
- KY 1133
 A - From the junction with KY 187, 3.6 miles southwest of Leitchfield to end of state maintenance, 0.69 mile north of Edmonson County line.
- KY 1134
 AAA - From the junction with KY 766 at the Donta Road, via Winslow to the junction with US 60 near southwest city limits of Ashland (Boyd County).
- KY 1135
 A - From the junction with KY 222, 4.8 miles east of Glendale in Hardin County to the junction with KY 61, 1.5 miles southeast of Elizabethtown.
- KY 1136
 AAA - From the junction with US 31W in Elizabethtown and extending southwest 1.2 miles to the south entrance of the industrial subdivision.
 A - From south entrance of the industrial subdivision in Elizabethtown to the junction with US 31W, 1.5 miles south of Glendale Junction.
- KY 1137
 A - From the junction with US 421 at Cawood in Harlan County to end of state maintenance, 2.045 miles northeast of US 421.
- KY 1138
 A - From the junction with US 421, 0.9 mile west of Cranks in Harlan County to Cranks Creek Lake.
- KY 1139
 A - From the junction with KY 594, southwest of Irvine in Estill County to end of state maintenance at Big Round Mt. Road.
- KY 1140
 A - From the junction with US 31W, at the north city limits of Munfordville (Hart County) to the junction with KY 224 in northwest Hart County
- KY 1141
 A - From the junction with US 31E near the Hart-Barren County line to the junction with KY 218, 0.6 mile east of Horse Cave.
- KY 1142
 AAA - From the junction with KY 1931 near Louisville via Palatka Road to the junction with KY 907 (Third Street Road).
- KY 1143
 A - From the junction with KY 300, 0.5 mile south of Lincoln-Boyle County line to the junction with KY 8009 at entrance to Isaac Shelby Memorial State Park (Lincoln County).
- KY 1144
 A - From the junction with KY 52 in Beattyville to the junction with KY 498, 0.8 mile northeast of Mt. Olivet.
- KY 1145
 A - From the junction with KY 581, 0.5 mile north of Paintsville to extends southeast 2.13 miles to Levisa Fork.
- KY 1146
 AA - From the junction with KY 267 near Dice, north of Hazard via Bulan to the junction with Mexico Branch Road at Hardburley.
- KY 1147
 A - From Tennessee state line in Allen county to the junction with US 31E at Petroleum.
- KY 1148
 A - From the junction with KY 15 near Isom in Letcher County to the junction with KY 931, 2.6 miles east of Tillie.
- KY 1149
 A - From the junction with KY 474 in northwest Carter County to the junction with KY 59 in Vanceburg (Lewis County).
- KY 1150
 A - From the junction with KY 590 at Hubble in Lincoln County to the junction with KY 52 near Lancaster in Garrard County.
- KY 1151
 AAA - From the junction with US 79 near Lebanon Church in Logan County to the junction with US 68 near Whippoorwill.
 A - From the junction with KY 1041, 1.0 mile east of Ferguson to the junction with US 79 near Lebanon Church; and from the junction with US 68 near Whippoorwill to the junction with KY 106, 1.8 miles southwest of Lewisburg.
- KY 1152
 A - From the junction with KY 461 south of Level Green in Rockcastle County to the junction with KY 1249 at Hansford.
- KY 1153
 AAA - From the junction with KY 106, northeast of Lewisburg in Logan County to the junction with KY 79, north of Dimple in Butler County.
- KY 1154
 AAA - From the junction with US 60, 1.4 miles west of Future City in McCracken County to the junction with KY 725.
- KY 1155
 A - From the junction with KY 254, 1.0 mile east of Towers Chapel in McLean County to the junction with KY 138 near Rumsey.
- KY 1156
 A - From the junction with US 25, northwest of Richmond to the junction with KY 169 at Valley View.
- KY 1157
 A - From the junction with KY 208, 0.9 mile south of Calvary in Marion County to the junction with KY 49, 1.8 miles west of Bradfordsville.
- KY 1158
 A - From the junction with KY 333 at Maples Corner in Meade County to the junction with KY 1600 at Flaherty.
- KY 1159
 AA - From the junction with KY 19 at Brooksville in Bracken County to the junction with KY 8 at Wellsburg.
- KY 1160
 A - From Mercer-Washington County line to the junction with US 127 at McAfee in Mercer County.

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- KY 1161
 A - From the junction with KY 7 at Pomp in Morgan County to end of state maintenance, 1.8 miles east of KY 7 (Morgan County).
- KY 1162
 A - From the junction with KY 191, 1.2 miles south of Stacy Fork in Morgan County to the junction with KY 1000, 1.5 miles southwest of White Oak.
- KY 1163
 A - From the junction with KY 181, 1.7 miles southeast of Greenville to the junction with KY 246 at Beech Creek.
- KY 1164
 A - From the junction with KY 69, northeast of Hartford in Ohio County to the junction with KY 878, 3.0 miles northwest of Olaton.
- KY 1165
 A - From the junction with KY 7 near Viper in Perry County to the junction with KY 7, 2.7 miles northwest of Letcher County line.
- KY 1166
 A - From the junction with KY 1165, 0.1 mile south of Viper in Perry County to end of state maintenance, at the junction with Fields Fork Road.
- KY 1167
 A - From the junction with KY 519 at Clearfield in Rowan County to the junction with KY 173, 1.0 mile south of KY 32.
- KY 1168
 A - From the junction with KY 224, 4.0 miles east of Clarkson in Grayson County to the junction with KY 720 near Antioch Church.
- KY 1169
 A - From the junction with KY 1060, 1.6 miles north of KY 44 at Waterford in Spencer County to end of state maintenance near Rivals.
- KY 1170
 A - From the junction with KY 103 near Locust Grove Church in western Simpson County to the junction with KY 73, northwest of Franklin.
- KY 1171
 A - From the junction with US 31W in Franklin to the junction with Jakes Branch Road near east side of I-65 (Simpson County).
- KY 1172
 A - From the junction with KY 693 at Flatwoods in Greenup County to the junction with KY 750.
- KY 1173
 A - From the junction with KY 1377, 2.5 miles southwest of Milburn in Carlisle County to the junction with KY 307, 1.0 mile south of Kirbyton.
- KY 1174
 A - From the junction with US 23 in Catlettsburg, via 34th Street, to dead-end at flood wall (Boyd County).
- KY 1175
 AAA - From the junction with KY 272, southwest of Cadiz in Trigg County to the junction with US 68, 0.5 mile southwest of Cadiz.
- KY 1176
 A - From the junction with US 60, 3.7 miles southwest of Morganfield to the junction with KY 758, 1.4 miles south of Cullen (Union County).
- KY 1177
 A - From the junction with KY 270 near Bethany Chapel in Union County to the junction with KY 758, 0.6 mile northwest of Pride.
- KY 1178
 A - From the junction with US 41A near the west city limits of Madisonville to the junction with US 41A in Madisonville at intersection of Noel Avenue and Main Street.
- KY 1179
 A - From the junction with KY 141, 4.0 miles northeast of Uniontown in Union County to the junction with KY 359, 1.3 miles southwest of Henderson County line.
- KY 1180
 A - From the junction with KY 1179, southeast of Uniontown in Union County to the junction with KY 2094 in Waverly.
- KY 1181
 A - From the junction with US 51, 0.4 mile southeast of Bardwell (Carlisle County) to the junction with US 62, 2.3 miles northeast of Bardwell.
- KY 1182
 A - From the junction with KY 52, 2.9 miles south of Pitts via Cobhill-Patsy-Pilot Road, to a point 0.9 mile east of Cobhill-Furnace Road (Estill County).
- KY 1183
 A - From the junction with KY 49, north of Loretto in Marion County to the junction with KY 152 at Cisselville in Washington County.
- KY 1184
 A - From the junction with KY 15 at Rosslyn in Powell County to the junction with KY 615.
- KY 1185
 A - From the junction with KY 3, northwest of Louisa, extending 2.232 miles to Yatesville Dam Access Road (Lawrence County).
- KY 1186
 A - From the junction with US 60 near Wickliffe, via County Farm Road to another junction with US 60, 1.3 miles north of Wickliffe in Ballard County.
- KY 1187
 A - From the junction with KY 106, 3.2 miles south of Huntsville in Butler County to the junction with KY 1153, 1.6 miles north of Boston.
- KY 1188
 A - From the junction with US 42, via Markland Dam Road, to the Indiana State line (Gallatin County).
- KY 1189
 A - From the junction with US 25, 0.5 mile south of Fairston in Laurel County to the junction with KY 1803 near Cane Creek.
- KY 1191
 A - From the junction with KY 283, northeast of Dixon in Webster County to the junction with Dixon-Wanamaker Road at Wanamaker.
- KY 1192
 A - From the junction with KY 470, 2.5 miles south of Buffalo in Larue County to the junction with KY 210 at the Green County line.
- KY 1193
 A - From the junction with KY 192 near Baldrock in Laurel County to the junction with US 25W at Deering in Whitley County.
- KY 1194
 A - From the junction with US 127 at Milledgeville in Lincoln County to the junction with KY 78, southwest of Stanford.
- KY 1195
 A - From the junction with US 68, 1.7 miles east of Lebanon to the junction with US 150, 4.4 miles east of Springfield.
- KY 1196
 A - From the junction with KY 1569, 0.9 mile northwest of Menifee-Morgan County line to the junction with US 460, 1.6 miles southeast of Wellington in eastern Menifee County.
- KY 1197
 A - From the junction with KY 227, 1.2 miles north of Hesler in Owen County to extends southwest 1.630 miles.
- KY 1198
 A - From the junction with KY 57, 1.4 miles northeast of Plum in Bourbon County to the junction with US 60, 3.2 miles west of Owingsville.
- KY 1199
 A - From the junction with KY 3171 northeast of Eddyville, via

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- Sells Road to the junction with Pleasant Valley Road in Lyon County.
- KY 1200
A - From the junction with KY 559, 1.0 mile northwest of Flemingsburg to the Mason County line.
- KY 1201
A - From the junction with KY 787 north of I-24, via Culp Road and Terrace Lane, to the entrance gate of Synthetics Corporation in McCracken County.
- KY 1202
A - From the junction with KY 30 in Breathitt County, 1.5 miles east of the Owsley County line to end of state maintenance 2.659 miles northwest of KY 30.
- KY 1203
A - From the junction with KY 123, 3.0 miles southwest of Bardwell to the junction with US 51, 2.7 miles northwest of Bardwell.
- KY 1204
A - From the junction with KY 227, 1.0 mile northwest of Worthville (Carroll County) to the junction with KY 36.
- KY 1205
A - From the junction with KY 691 at Arat in Cumberland County to end of state maintenance at the junction with North Hollow Road (CR 5342).
- KY 1206
A - From the junction with KY 449, 2.1 miles south of Modoc in Cumberland County to end of state maintenance at Frogue.
- KY 1207
A - From the junction with KY 81 in Daviess County, 2.5 miles north of McLean County line to the junction with KY 140 at Utica.
- KY 1208
A - From the junction with KY 719, 1.2 miles southwest of Fannin in Elliott County to the junction with Buck Fork Road.
- KY 1209
A - From the junction with KY 587 at Arvel at the Jackson-Lee County line to the junction with KY 89 at Wagersville in Estill County.
- KY 1210
A - From the junction with KY 80 southwest of Martin in Floyd County to the junction with KY 404 near Samson Station.
- KY 1211
AAA - From the junction with US 60 (2nd Street in Frankfort) via Taylor Avenue to the junction with US 127 west of KY River Bridges in Frankfort.
- KY 1212
A - From the junction with KY 1128, southwest of Cayce in Fulton County to the junction with KY 94, 1.4 miles west of Cayce.
- KY 1213
A - From the junction with KY 339, 0.7 mile north of Fancy Farm in Graves County to the junction with KY 440, 5.4 miles northwest of Mayfield.
- KY 1214
A - From the junction with US 62, near the east city limits of Leitchfield to the junction with KY 728, 0.7 mile north of Lines Mill in Hart County.
- KY 1215
A - From the junction with KY 813 in Mortons Gap (Hopkins County) to a point 150 feet west of US 41.
- KY 1216
A - From the junction with KY 72 at Pansy in Harlan County to end of state maintenance at Yancey.
- KY 1217
A - From the junction with KY 416, 1.0 mile east of Tunnel Hill in Henderson County, to the junction with KY 1299, southwest of Henderson.
- KY 1218
A - From the junction with KY 129 at the Tennessee state line in Hickman County to the junction with US 45, 0.3 mile northeast of Fulton County line.
- KY 1219
A - From the junction with KY 1218, 1.0 mile of Tennessee state line in Hickman County to the Graves County line.
- KY 1220
A - From the junction with KY 109 north of Dawson Springs in Hopkins County to Tradewater River Bridge at Olney.
- KY 1221
AA - From the junction with KY 70 and KY 85, east of Madisonville to IC Railroad Crossing approximately 2.2 miles south of beginning.
- A - From IC RR to the junction with Frank Lamb Road (extended).
- KY 1222
A - From the junction with Sebree Road, northeast of Stamping Ground in Scott County to the junction with Locust Road, north of Stamping Ground.
- KY 1223
A - From the junction with US 25W, north of Corbin in Laurel County to the junction with KY 830, 0.7 mile north of Knox County line.
- KY 1224
A - From the junction with KY 40 at Tomahawk in Martin County to end of state maintenance, 2.310 miles south of Trace Fork Road.
- KY 1225
A - From the junction with KY 80, 0.4 mile west of west city limits of Somerset to the junction with Cumberland Parkway.
- KY 1226
A - From the junction with US 421, 4.2 miles north of Bedford in Trimble County to the junction with US 42, west of Carrollton.
- KY 1227
A - From the junction with KY 30, 1.2 miles east of East Bernstadt in Laurel County to end of state maintenance, 2.9 miles southeast of KY 30.
- KY 1228
A - From the junction with KY 490, 0.9 mile southeast of Mershons in Laurel County to the junction with River Hill-Mt. Zion Road in northern Laurel County.
- KY 1229
A - From the junction with KY 1650 at Ottawa in Rockcastle County to the junction with US 150, 0.6 mile south of Brodhead.
- KY 1230
AAA - From Smith Lane via Lower River Road to the junction with KY 1934 at the intersection of Cane Run Road and Terry Road (Jefferson County).
- KY 1231
A - From the junction with KY 15, 1.0 mile south of Amburgey in Knott County to the junction with KY 80, west of Hindman.
- KY 1232 (Old US 25E)
AAA - From the junction with KY 312 in Corbin to the junction with KY 233 and US 25E at Gray.
- KY 1233
A - From the junction with KY 56, 0.5 mile north of Beech Grove in McLean County to the junction with KY 593, 2.6 miles east of Comer.
- KY 1234
A - From the junction with KY 597 at Mt. Gilead in Mason County to the junction with KY 10 at the Lewis County line.
- KY 1235
A - From the junction with KY 435 at Minerva in Mason County to the junction with KY 8 at Dover.
- KY 1236
AA - From the junction with US 62 at Washington in Mason County to the junction with KY 1448, south of Maysville.
- KY 1237

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- A - From the junction with KY 989 at Burtonville in Lewis County to the junction with KY 10 at Rectorville in Mason County.
- KY 1238
 - A - From the junction with KY 333 at Bewleyville in Breckinridge County at the junction with KY 1638 at Licksillet in Meade County.
- KY 1239
 - A - From the junction with KY 144 near Paynesville in Meade County to the junction with KY 79 at Midway.
- KY 1240
 - A - From the junction with US 460 at Denniston in Menifee County to KY 1274 (to Beaver Creek).
- KY 1241
 - A - From the junction with US 45 two and three-tenths miles south of Hickory in Graves County to another junction with US 45 one (1) mile south of Lone Oak in McCracken County.
- KY 1242
 - A - From the junction with US 460, 4.0 miles southeast of Frenchburg to end of state maintenance, 0.66 mile east of Tom Stamper Road.
- KY 1243
 - A - From the junction with US 68, 0.9 mile north of Edmonton to the junction with KY 218 near the Hart County line (Metcalf County).
- KY 1244
 - A - From the junction with US 68, 1.4 miles north of Carlisle to the junction with US 68, 1.4 miles north of Ellisville.
- KY 1245
 - A - From the junction with US 62 near Rockport in Ohio County to the junction with US 62 at McHenry.
- KY 1246
 - A - From the junction with Walnut Street in Dawson Springs (Hopkins County) to end of state maintenance at 4-H Club Camp.
- KY 1247
 - AA - From the junction with US 27 near Burnside in Pulaski County to the junction with KY 80 bypass in Somerset.
 - A - From the junction with KY 80 bypass in Somerset to the junction with US 27 near north city limits of Somerset.
- KY 1248
 - A - From the junction with KY 80, 2.0 miles east of Nancy in Pulaski County to the junction with KY 80, 2.0 miles west of Somerset.
- Note: No crossing at Lake Cumberland.
- KY 1249
 - A - From the junction with KY 80 at Billows in Rockcastle County to the junction with US 25 in Mt. Vernon.
- KY 1250
 - A - From the junction with KY 461 at Wabd, via Spiro, to the junction with US 150 1.4 miles south of Brodhead (Rockcastle County).
- KY 1251
 - A - From the junction with KY 44, 2.7 miles west of Taylorsville, to the junction with KY 1060, 1.4 miles north of Waterford (Spencer County).
- KY 1252
 - A - From the junction with KY 527, 7.3 miles northwest of Campbellsville to the junction with Chaney Colsby Road.
- KY 1253
 - A - From the junction with KY 525, 3.4 miles northwest of Roaring Springs in Trigg County to the junction with KY 272, 3.3 miles west of Christian County line.
- KY 1254
 - A - From the junction with KY 160 in Cumberland to the junction with US 119 (Harlan County).
- KY 1255
 - A - From the junction with KY 348, via Bond Road to the junction with of KY 450 eight-tenths (0.8) mile north of the Graves County Line in McCracken County.
- KY 1256
 - A - From the junction with KY 625 near the west city limits of Milton in Trimble County to the junction with Coopers Bottom Road.
- KY 1257
 - A - From the junction with KY 109, west of Henshaw in Union County to the junction with Mt. Olive Road.
- KY 1258
 - A - From the junction with KY 167 near Sumpter School in Wayne County to the junction with KY 92, east of Monticello.
- KY 1259
 - A - From 1.00 mile south of KY 727 in Corbin to the junction with KY 727, southwest of Corbin.
- KY 1260
 - A - From the junction with KY 437 near Dingus, via Dingus, to a point 6.813 miles east of the beginning (Morgan County)
- KY 1261
 - A - From the Wolfe-Breathitt County line to the junction with KY 1812 at Landsaw in Wolfe County.
- KY 1262
 - A - From the junction with US 460 at Woodlake in Franklin County to the junction with US 127, 5.7 miles north of Frankfort.
- KY 1263
 - A - From the junction with KY 420, 2.3 miles south of Frankfort to end of state maintenance, 0.14 mile west of Big Eddy Beach Road.
- KY 1264
 - A - From the junction with KY 224, 0.3 mile southeast of Clarkson in Grayson County to the junction with Fragant-Rock Creek Road.
- KY 1265
 - A - From the junction with KY 144 at Dukes in Hancock County to the junction with KY 69, 0.9 mile southeast of Hawesville.
- KY 1266
 - A - From the junction with KY 734 at Seventy Six in Clinton County to Grider Hill Dock at Lake Cumberland.
- KY 1267
 - A - From the junction with KY 33 at Troy in Woodford County to the junction with US 68 at South Elkhorn in Fayette County.
- KY 1268
 - A - From the junction with US 68, 0.8 mile northwest of Wilmore in Jessamine County to the junction with KY 39, 1.4 miles south of Black Ridge.
- KY 1269
 - A - From the junction with US 60, 2.0 miles southeast of Owingsville to the junction with KY 211, 0.6 mile south of Moores Ferry (Bath County).
- KY 1270
 - A - From the junction with KY 97 in Graves County, 0.7 mile north of Tennessee state line to the junction with KY 893, 0.7 mile west of Taylors Store in Calloway County.
- KY 1271
 - A - From the junction with KY 810, 0.8 mile southwest of Suwanee in Lyon County to US Government property line near Lake Barkley.
- KY 1272
 - A - From the junction with KY 903, 0.5 mile of Lamaso in Lyon County to the junction with KY 139, 4.8 miles south of Princeton.
- KY 1273
 - A - From the junction with US 150 at the Boyle-Lincoln County line to the junction with US 127 in Junction City in Boyle County; also from the junction with US 150 near Willow Grove Chapel to the junction with KY 52, 1.1 mile west of Hedgeville (Boyle-Lincoln Counties).
- KY 1274
 - AA - From the junction with KY 36, north of Frenchburg to the

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- Rowan County line.
- A - From the Menifee-Rowan County line to the junction with KY 519, 3.3 miles south of Morehead.
- KY 1275
- AAA - From the junction with KY 3106 in Monticello to the junction with KY 90, a distance of 0.115 mile (Wayne County).
- A - From a point 200 feet west of Broiles Hollow Road, at Spann in Wayne County to the junction with KY 3106 in Monticello; and from the junction with KY 90 in Monticello to the junction with KY 90 near Touristville.
- KY 1276
- A - From the junction with KY 121, 2.8 miles northwest of Mayfield to end of state maintenance at ICG RR.
- KY 1277
- A - From the junction with US 25W at Deering in Whitley County to parking area for Mouth of Laurel Boat Ramp at Lake Cumberland.
- KY 1278
- A - From the junction with KY 15, 0.6 mile southeast of Watts to end of state maintenance at the Caney Creek Road (Breathitt County).
- KY 1279
- A - From the junction with KY 286 near Wickliffe, via Cane Creek Cutoff Road to the junction with KY 1290 in Ballard County.
- KY 1280
- A - From the junction with of KY 1290, via Crew Road to the junction with US 60 near Gum Corners in Ballard County.
- KY 1281
- A - From the junction with KY 1590, southeast of Seminary in Clinton County to a point 0.496 mile east of the Cumberland County line.
- KY 1282
- A - From the junction with KY 94 at Miller in Fulton County to the junction with KY 925, southwest of Brownsville.
- KY 1283
- A - From the junction with KY 1841 (Main Street in Water Valley) in Graves County to the junction with KY 58, west of Hollifield.
- KY 1284
- A - From the junction with US 27, 10.4 miles north of Cynthiana to the junction with US 62 at Claysville.
- KY 1285
- A - From the junction with KY 57 near East Union in Nicholas County to the junction with KY 36 at Carlisle.
- KY 1286
- A - From the junction with US 45, 1.9 miles north of Street Johns in McCracken County to the junction with KY 998, southwest of Paducah.
- KY 1287
- A - From the junction with US 127 in Owenton to the junction with Harris Ridge Road.
- KY 1288
- A - From the junction with US 45, via Lebanon Church Road to the junction with KY 994 north west of Freemont in McCracken County.
- KY 1289
- A - From the junction with KY 1011, 2.0 miles north of Berlin in Bracken County to the junction with KY 1109.
- KY 1290
- A - From the junction with KY 121 in Wickliffe to the junction with KY 802, north of Slater.
- KY 1291
- A - From the junction with KY 53 near Blue Grass Parkway in Anderson County to the junction with US 62 at Johnsonville.
- KY 1292
- A - From the junction with US 42 at Beaverlick in Boone County to the junction with KY 14 at Walton.
- KY 1293
- A - From the junction with KY 107 at Deer Lick in Logan County to the junction with US 431 at the Muhlenberg County line.
- KY 1294
- A - From the junction with KY 293 near New Hope Church in western Hopkins County to the junction with KY 291 at Dalton.
- KY 1295
- AAA - From the junction with KY 52 at Hyattsville in Garrard County to the junction with KY 52 in Madison County, 2.7 miles east of Kirksville.
- KY 1296
- A - From the junction with KY 1348 at Pod in Christian County to the junction with US 41 at Empire.
- KY 1297
- A - From the junction with KY 1402 at Gotts in Warren County to the junction with US 31E in Glasgow.
- KY 1298
- A - From the junction with KY 32, southeast of Colville, via Craig-Beamer Road in Harrison County to another junction with KY 32, 1.8 miles west of Headquarters in Nicholas County
- KY 1299
- A - From the junction with KY 416, west of Robards in Henderson County to the junction with KY 285, near the southwest city limits of Henderson.
- KY 1300
- A - From the junction with KY 123, 2.9 miles south of Columbus in Hickman County to the junction with KY 58, 1.6 miles east of Columbus.
- KY 1301
- A - From the junction with US 51, 2.7 miles north of Clinton to end of state maintenance, 1.406 miles northwest of US 51.
- KY 1302
- A - From the junction with KY 70 near southwest city limits of Madisonville to the junction with Manitou-Richland Road.
- KY 1303
- A - From the junction with KY 536, northwest of Ricedale in Kenton County to the junction with US 25 at Lakeside Park.
- KY 1304
- A - From the junction with US 25E near Bimble in Knox County to the junction with KY 229 near Laurel County line.
- KY 1305
- A - From the junction with KY 80, 3.8 miles southeast of London to the junction with KY 80 at Lida.
- KY 1306
- A - From the junction with KY 10 at Garrison in Lewis County to the junction with KY 1149 at Records.
- KY 1307
- A - From the junction with KY 1330, southeast of Glasgow to the junction with US 68 in Glasgow.
- KY 1308
- A - From the junction with KY 591, east of Adairville in Logan County to the junction with KY 663 near Schochoh.
- KY 1309
- A - From the junction with US 68 at Daysville in Todd County to the junction with KY 775, 0.9 mile northeast of Licksillet in Logan County.
- KY 1310
- A - From the junction with US 45 in Paducah to the junction with KY 994, 1.0 mile east of US 45.
- KY 1311
- A - From the junction with KY 80, 3.5 miles west of Hardin to the junction with KY 58, 2.0 miles northwest of Benton.
- KY 1312
- A - From the junction with KY 90, east of Dubre in Cumberland County to the Metcalfe County line.
- KY 1313
- A - From the junction with KY 55, northwest of Crocus in Adair County to the Russell County line.
- KY 1314
- A - From the junction with KY 213, 3.5 miles south of Jeffer-

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- sonville in Montgomery County to Sid Calk Lake.
- KY 1315
A - From the junction with KY 362 in Shelby County to the junction with KY 53 near Ballardsville in Oldham County
- KY 1316
A - From the junction with KY 35, 2.5 miles southeast of Sparta in Owen County to the junction with US 127 near Poplar Grove.
- KY 1317
A - From the junction with KY 80, 5.4 miles northeast of Somerset to the junction with KY 39 at Dabney.
- KY 1318
A - From the junction with KY 249 at Roseville in Barren County to Barren River Lake.
- KY 1319
A - From the junction with KY 44, 2.3 miles northeast of Mt. Washington in Bullitt County to the junction with KY 3192, southeast of Wilsonville in Spencer County.
- KY 1320
A - From the junction with KY 185, 7.0 miles north of Bowling Green to the junction with KY 526.
- KY 1321
A - From the junction with KY 725 at Cimota City, via the Bethel Church Road to the junction with KY 358 at Rossington in McCracken County.
- KY 1322
AAA - From the junction with KY 786 at Massac in McCracken County to the junction with US 45 at Lone Oak.
A - From the junction with KY 726 in Western McCracken County to the junction with KY 786 at Massac.
- KY 1323
A - From the junction with KY 206 in Columbia to the junction with KY 551 near Absher.
- KY 1324
A - From the junction with KY 839 in northern Monroe County to the junction KY 63 near Temple Hill in Barren County.
- KY 1325
A - From the junction with KY 36 at Reynoldsville in Bath County to the junction with KY 57 east of Hilltop in Fleming County.
- KY 1326
A - From the junction with US 25 in Mt. Vernon to the junction with KY 1505 at Brodhead.
- KY 1327
A - From the junction with US 641 at Murray to the junction with KY 1660.
- KY 1328
A - From the junction with US 231 at Aberdeen in Butler County to the junction with KY 70 at Jetson.
- KY 1329
A - From the junction with US 25 in Rockcastle County at the Laurel County line to the junction with Mink Hill-Beech Grove School Road.
- KY 1330
A - From the junction with KY 90, 6.5 miles southeast of Glasgow to the junction with KY 640 in Metcalfe County.
- KY 1331
A - From the junction with KY 647 near Ewington in Montgomery County to the junction with KY 965 near Preston in Bath County.
- KY 1332
AA - From the junction with KY 101 near north city limits of Scottsville to quarry entrance approximately 3.0 miles northwest of KY 101.
A - From quarry entrance approximately 3.0 miles northwest of KY 201 to the junction with KY 265 east of Mt. Aerial.
- KY 1333
A - From the junction with KY 89 at Mt. Zion in Allen County to the Red Hill-Akersville Road.
- KY 1335
A - From the junction with KY 316, 3.0 miles north of Ewingsford in Trimble County to the Carroll County line.
- KY 1336
A - From the junction with KY 11 at Tilton in Fleming County to 0.8 mile south of Thurman Lane.
- KY 1337
A - From the junction with KY 70 in Richland in Hopkins County to the junction with KY 112 in Earlington.
- KY 1338
A - From the junction with US 62 at Hamby in Hopkins County to the junction with KY 109 near Bethel Church in Christian County.
- KY 1339
A - From the junction with KY 259 at Rocky Hill in Edmonson County to the junction with KY 255 north of Bonayer in Barren County.
- KY 1340
A - From the junction with KY 132, 1.6 miles northeast of Clay in Webster County to the junction with US 41A, 1.7 miles southwest of Dixon.
- KY 1341
A - From the junction with KY 61 near Cumberland County High School to state maintenance barn.
- KY 1342
A - From the junction with KY 252, 1.2 miles west of Haywood in Barren County to Beaver Creek Boat Ramp at Barren River Lake.
- KY 1343
A - From the junction with US 68 approximately 3.0 miles northeast of Harrodsburg to the junction with Mundys Landing Road at Braxton.
- KY 1344
A - From the junction with KY 217, 9.4 miles northeast of Middlesboro to the junction with US 119 at Page (Bell County).
- KY 1345
A - From the junction with KY 286, five (5) miles east of Wickliffe to the junction with KY 1290 at Slater in Ballard County.
- KY 1346
A - From the junction with US 641 in Dexter via Faxon to water line of Kentucky Lake (Calloway County).
- KY 1347
A - From the junction with KY 87, 0.6 mile west of Austin to Austin boat ramp at Barren River Lake.
- KY 1348
A - From the junction with KY 800 at west city limits of Crofton to the junction with KY 398 (Christian County).
- KY 1349
A - From the junction with KY 91, 1.0 mile southeast of Sinking Fork to the junction with US 68, 2.5 miles east of Grady (Christian County).
- KY 1350
A - From the junction with US 421, 2.0 miles north of Burning Springs in Clay County to the junction with KY 846 south of Conkling in Owsley County.
- KY 1351
A - From the junction with KY 449, 0.6 mile southeast of Modoc in Cumberland County to the junction with KY 1590, 4.5 miles northwest of Albany in Clinton County.
- KY 1352
A - From the junction with KY 1827, 1.2 miles southeast of Demunbruns Store in Edmonson County to Mammouth Cave Park Boundary.
- KY 1353
A - From the junction with KY 52, 0.2 miles southeast of Madison County line to the junction with KY 52, 1.5 miles west of Rice Station.
- KY 1354
A - From the junction with KY 94 at west city limits of Hickman to Mississippi River bank (Fulton County).
- KY 1355

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- A - From the junction with US 27, 0.6 mile north of Lancaster in Garrard County to the junction with the Fisher-Ford Road.
- KY 1356
A - From the junction with KY 88, 0.5 mile southeast of Iberia in Grayson County to the junction with KY 1214, 1.0 mile east of Snap.
- KY 1357
A - From the junction with KY 2213 near Grandview to the junction with US 31W in Elizabethtown (Hardin County).
- KY 1358
A - From the junction with KY 677, 0.5 mile northeast of Three Springs in Hart County to the junction with KY 436, 2.5 miles northeast of Legrand.
- KY 1359
A - From the junction with KY 22, 0.9 mile east of Eminence in Henry County to the junction with KY 241 in Pleasureville.
- KY 1360
A - From the junction with KY 22, 3.0 miles northeast of Bethlehem in Henry County to the junction with KY 202 near Dreenon Springs.
- KY 1361
A - From the junction with KY 193, 0.6 mile southwest of Port Royal in Henry County to the Carroll County line.
- KY 1362
A - From the junction with KY 703, 4.5 miles northeast of Clinton to the junction with KY 288 at Spring Hill.
- KY 1363
A - From the junction with KY 92, 1.0 mile northwest of Yamacraw in McCreary County to the junction with the Bell Farm-Steel Hollow Road.
- KY 1364
A - From the junction with US 68, 0.7 mile east of Fairdealing in Marshall County to the junction with KY 80, 2.6 miles east of Hardin.
- KY 1365
A - From the junction with KY 70, 1.1 miles east of Windyville in Edmonson County to the junction with the Holly Springs Church Road at Grassland.
- KY 1366
A - From the junction with KY 100, 0.9 mile southeast of Flippin in Monroe County to the junction with KY 63, 1.0 mile southwest of Tompkinsville.
- Ky 1367
A - From the junction with US 62 at Lovelaceville in Ballard County to the junction with KY 286, 0.9 mile west of the McCracken County line.
- KY 1368
A - From US 60, 2.0 miles south of Barlow in Ballard County to the junction with of KY 1290, 3.0 miles south of LaCenter.
- KY 1369
A - From the junction with US 150, 2.4 miles northwest of Crab Orchard to entrance of William Whitley State Shrine House.
- KY 1371
A - From the junction with KY 80 at Milburn in Carlisle County to the junction with KY 408.
- KY 1372
A - From the junction with US 62, 1 mile northeast of Bardwell in Carlisle County to the junction with KY 1377.
- KY 1373
A - From the junction with KY 80, 0.5 mile northwest of Elkhorn City in Pike County to Fish Trap Reservoir.
- KY 1374
A - From the junction with KY 131, northeast of Mayfield to Trace Creek Bridge.
- KY 1375
AA - From the junction with US 62, 6.5 miles southwest of Elizabethtown to Star Mills.
A - From the junction with KY 84, 3.0 miles east of White Mills to Star Mills; and from the junction of US 62 southwest of Elizabethtown to the junction of KY 920, 3.0 miles north of Four Corners (Hardin County).
- KY 1376
A - From the junction with KY 490, 2.5 miles northeast of East Bernstadt to the junction with KY 1394, 1.4 miles east of Hazel Green School in Laurel County
- KY 1377
A - From the junction with KY 80 at Milburn in Carlisle County to the junction with US 51, 1 mile south of Bardwell.
- KY 1378
A - From the junction with KY 519 near Hickory School in Morgan County to a point 1.796 miles southwest of KY 519 (Morgan County).
- KY 1379
A - From the junction with KY 277 in Kinchloes Bluff to the junction with US 62 west of Martwick in Muhlenberg County.
- KY 1380
A - From the junction with KY 176 in Greenville, via Paradise Street, Old Paradise Road and Powderly Cut-Off Road to the junction with KY 189 in Powderly (Muhlenberg County).
- KY 1381
A - From the junction with US 127, 0.25 mile south of Cumberland Parkway Interchange to state maintenance barn (Russell County).
- KY 1382
A - From Tennessee state line in Graves County to the junction with KY 94, 0.5 mile west of Lynnvile.
- KY 1383
A - From the junction with KY 76, 2.5 miles southeast of Eli in Russell County to Lake Cumberland.
- KY 1384
A - From the junction with US 23 at Boldman in Pike County and via Lorraine Street in Pikeville to the junction with KY 1460 near Department of Hlghways District 12 office.
- KY 1385
A - From the junction with KY 261 near Friendship Church in Breckinridge County to the junction with KY 261, 0.8 mile southwest of Norton Valley School.
- KY 1387
A - From the junction with KY 28 at Buckhorn in Perry County to Buckhorn Dam.
- KY 1388
A - From the junction with KY 1110 in Breathitt County near Perry County line to end of state maintenance near Beech.
- KY 1389
AAA - From the junction with US 60 in Hawesville to 0.3 mile southwest of KY 1847.
A - From the junction with KY 144, 1.4 miles west of Ensor in Daviess County to 0.3 mile southwest of KY 1847 in Hancock County.
- KY 1390
A - From the junction with KY 83 near Cuba in Graves County to the junction with Ralph Bagwell Road.
- KY 1391
A - From the junction with KY 1656 near Lone Star to the junction with KY 224, 4.0 miles west of Upton (Hart-Hardin Counties).
- KY 1392
A - From the junction with KY 55 at Mt. Zion in Spencer County to Nelson County line.
- KY 1393
A - From the junction with KY 582, 1.2 miles west of Pine Top in Knott County to the junction with KY 899 at Mallie.
- KY 1394
A - From the junction with KY 490, 1.2 miles south of Oakley in Laurel County to the junction with KY 30, 1.5 miles south of Atlanta.
- KY 1395
A - From the junction with KY 1496 at Greenwood in Lawrence County to the junction with KY 773.

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- KY 1396
A - From the junction with KY 795, via Allen Road and Franklin Road to the junction with US 68 two and three-tenths (2.3) miles east of Sharpe in Marshall County.
- Ky 1397
A - From the junction with KY 30 near Foraker in Magoffin County to a point 0.1 mile north of Howard Fork.
- KY 1398
A - From the junction with KY 1571, 4.5 miles southeast of Ravenna in Estill County to a point 1.2 miles southeast of Taxola.
- KY 1399
A - From the junction with KY 1848 near south end of I-64 Interchange at Simpsonville to the junction with of Taylor Wood Road.
- KY 1400
A - From the junction with US 68 northeast of Campbellsville to the junction with KY 744.
- KY 1401
A - From the junction with US 60 near Harned in Breckinridge County to the junction with KY 86 at Custer.
- KY 1402
A - From the junction with US 31W northeast of Bowling Green to the junction with KY 101 near Threeforks.
- KY 1403
A - From the junction with KY 1389, 1.7 miles southwest of Utility in Hancock County to the junction with KY 657 southeast of Lewisport.
- KY 1404
A - From the junction with US 68 east of Lebanon, via Barbers Mill Road to the junction with US 150 at Springfield (Marion-Washington Counties).
- KY 1405
A - From junction KY 138 near Slaughters in Webster County to the junction with KY 495, 0.8 miles southwest of Breton.
- KY 1406
AAA - From the junction with US 60, 1.3 miles southeast of Indian Lake to the junction with Indian Lake Skillman Road (Hancock County).
- KY 1407
A - From the junction with US 31W, 2.0 miles north of Sonora in Hardin County to L & N RR in Nolin.
- KY 1408
A - From the junction with KY 362 in Shelby County to the junction with KY 146 at Crestwood in Oldham County.
- KY 1409
A - From the junction with KY 580 in western Johnson County to Linnie Hollow.
- KY 1410
A - From the junction with KY 160 at Littcarr in Knott County to the junction with KY 7 near Colston in Letcher County.
- KY 1411
A - From the junction with KY 30, northeast of Booneville to the junction with KY 52 at Beattyville.
- KY 1412
AAA - From the junction with US 431, approximately 1.0 mile south of Livermore in McLean County to a point 0.6 mile east of US 431.
A - From a point 0.6 mile east of US 431 to Muhlenberg County line.
- KY 1413
A - From the junction with US 68 near Coy, via Old Patterson Ferry Road and Howard Road to the junction with US 62 in Marshall County.
- KY 1414
A - From the junction with US 231, 6.8 miles northwest of Hartford to the junction with KY 54 near Reynolds Station.
- KY 1415
A - From the junction with KY 114 at Burning Fork in Magoffin County to the junction with Bear Tree Fork Road at Conely.
- KY 1416
A - From the junction with KY 248, 2.0 miles northwest of Brier Ridge to the junction with KY 1795, 0.9 mile west of Mt. Eden (Spencer County).
- KY 1417
A - From the junction with KY 44, west of Shepherdsville to the junction with KY 1526, 0.7 mile southwest of Barrallton.
- KY 1418
A - From the junction with KY 779, 1.5 miles south of Knox County line in Whitley County to the junction with Clate-Permon Road, 0.5 mile west of Permon in Knox County.
- KY 1419
A - From the junction with KY 1812 near Paxton in Breathitt County to the junction with KY 191 at Daysboro in Wolfe County.
- KY 1420
AAA - From the junction with KY 996 in McCracken County extending east to entrance to Essex Wire Corp. plant.
A - From entrance to Essex Wire Corp. plant to the junction with KY 305 near northwest city limits of Paducah.
- Ky 1421
A - From Tennessee state line in Allen County to the junction with KY 100, 1.4 miles southeast of Scottsville.
- KY 1422
A - From the junction with US 68 near Palma in Marshall County to the junction with KY 963.
- KY 1423
A - From the junction with KY 837 in southeast Casey County to Watson Chapel Church.
- KY 1424
A - From the junction with KY 953 at Stalcup in Cumberland County to end of state maintenance, 1.1 miles west of Cloyds Landing.
- KY 1425
A - From the west ramps of I-75 interchange, via Bryant Road, to the junction with US 60, 2.8 miles east of Lexington (Fayette County).
- KY 1426
AAA - From the junction with US 119 northeast of Pikeville to the junction with KY 3417 at Little Dixie, west of Pikeville (Pike County).
A - From the junction with KY 3417 at Little Dixie to the junction with US 23 at Banner (Floyd-Pike Counties).
- KY 1427
A - From the junction with KY 114 near Floyd-Magoffin County line to the junction with KY 1428 near north city limits of Prestonsburg.
- KY 1428
AAA - From the junction with KY 122 southwest of Martin, via Martin and New Allen in Floyd County to the junction with US 23 at Prestonsburg and from the junction with KY 825 near Hager Hill in Johnson County to the junction with KY 40 at Paintsville.
A - From the junction with US 23 at Prestonsburg to the junction with KY 825 near Hager Hill.
- KY 1429
A - From the junction with KY 783, via Carlton Road and Sassiter Road, to the junction with US 641, north of Murray.
- KY 1430
A - From the junction with US 31E in Bardstown to the junction with KY 245.
- KY 1431
A - From the junction with US 421 at Tyner in Jackson County to the junction with KY 30 at Herd.
- Ky 1432
AAA - From the junction with US 231 near the southeast city limits of Owensboro along Burlew Blvd. to the junction with KY 298 at entrance to GE Tube Plant.
- KY 1433
A - From the junction with US 60 at Burna in Livingston County to the junction with KY 723 southwest of Salem.

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- KY 1434
A - From the junction with US 31W near Salmon to the junction with KY 1171 at Black Jack (Simpson County).
- KY 1435
A - From the junction with KY 68 in Bowling Green to the junction with US 231, 1.7 miles north of Needmore in Butler County.
- KY 1436
A - From the junction with KY 137, 5.3 miles north of Bayou in western Livingston County to the junction with KY 133, 1.0 mile west of Joy.
- KY 1437
A - From the junction with US 460 near the Magoffin-Johnson County line to the junction with KY 1081 at Wheelersburg.
- KY 1438
A - From the junction with KY 1837 in southwest McCracken County to the junction with KY 339, 3.9 miles southwest of Lone Oak.
- KY 1439
A - From the Pike County line via Lowgap Fork Road and Meathouse Creek Road in southern Martin County to the junction with KY 1714 at Coalpoint.
- KY 1440
A - From the junction with KY 476 at Darfork to end of state maintenance at the Left Fork of Upper Second Creek Road (Perry County).
- KY 1441
A - From the junction with KY 1789 near Millard in Pike County to the junction with US 119, 5.0 miles east of Pikeville.
- KY 1442
A - From the junction with KY 480, 3.5 miles southeast of Shepherdsville to the junction with KY 480, 8.6 miles east of Shepherdsville.
- KY 1443
A - From the junction with Spring Creek Road in Mason County, 0.3 mile west of the Lewis County line to the junction with Trinity Station-Fearisville Road in northwest Lewis County.
- KY 1444
A - From the junction with KY 7 near Shady Valley in Carter County to the junction with KY 773, northwest of Hitchens.
- KY 1445
A - From the junction with US 641 in Benton to Nashville, Chattanooga and St. Louis Railroad.
- KY 1446
A - From the junction with KY 1860 at Harlan Crossroads, via Old Mulkey Meeting House Road to the junction with KY 100 in Tompkinsville.
- KY 1447
AAA - From the junction with US 60 in Street Matthews to the junction with KY 146, 0.4 mile west of the Jefferson-Oldham County line.
- KY 1448
AA - From the junction with US 62 and 68 near Maysville to the junction with KY 11, south of Maysville.
A - From the junction with KY 11, south of Maysville to the junction with KY 1449, 1.4 miles north of Orangeburg.
- Ky 1449
A - From the junction with KY 1234 at Orangeburg in Mason County to the junction with KY 10, 1.0 mile east of Maysville.
- Ky 1450
AAA - From the junction with KY 61 at Okalona in Jefferson County to the junction with KY 1526 near east side of I-65 in Bullitt County.
- KY 1451
A - From the junction with KY 514 in southern Caldwell County to the junction with Ky 1272, 1.7 miles east of the Lyon County line.
- KY 1453
A - From the junction with US 41A, eight (8.0) miles south of Hopkinsville via Elmo Road, Barkers Mill Road and the Howard Dickerson Road, to the junction with US 41 at the Tennessee state line.
- KY 1454
A - From the junction with KY 996 near Grahamville in McCracken County to Atomic Energy Commission boundary.
- KY 1455
A - From the junction with KY 32 near north city limits of Carlisle to the junction with KY 1244 at Barterville.
- KY 1456
A - From the junction with KY 298, southeast of Owensboro via Dermont and the Thurston-Dermont Road to the junction with KY 144 at the northeast city limits of Owensboro in Daviess County.
- KY 1457
A - From the junction with KY 52, 1.9 miles northwest of Irvine to end of state maintenance near Kentucky River.
- KY 1458
A - From the junction with KY 5 in Boyd County near the Greenup County line to the junction with KY 693 at Flatwoods in Greenup County.
- KY 1459
A - From the junction with KY 1 near Argillite in Greenup County to the junction with KY 2, 4.9 miles south of Greenup.
- KY 1460
AAA - From the junction with US 23 in Pikeville south of Pikeville High School to the junction with KY 1426 southeast of Ferguson Creek Bridge in Pikeville.
A - From the junction with US 460 near Shelbiana in Pike County to the junction with KY 1426 in Pikeville.
- KY 1461
A - From the junction with Thompson-Fields Road, northwest of Fulton to end of state maintenance at Fulton Airport.
- KY 1462
A - From the junction with KY 408 near Benton, via the Benton-Birmingham Road to the junction with US 68 in Marshall County.
- KY 1463
AAA - From the junction with KY 1099 at Hickman to the south entrance to Carborundum plant, a distance of approximately 1.0 mile (Fulton County).
A - From Tennessee state line to south entrance to Carborundum plant, south of the junction with KY 1099 at the south city limits of Hickman.
- KY 1464
A - From the junction with KY 218 near Pierce in Green County to the junction with KY 88, 0.9 miles east of Webbs.
- KY 1465
A - From a point near the Carroll-Henry County line to the junction with Vance Road in southern Carroll County.
- KY 1466
A - From the junction with KY 73, 3.5 miles east of Auburn in Logan County to the junction with US 68, 1.6 miles west of Warren County line.
- KY 1467
AAA - From the junction with US 231 (5th Street) in Owensboro to the junction with US 60 at 2nd Street.
- KY 1468
A - From the junction with KY 70, 1.5 miles southwest of Morgantown to the junction with US 231, 2.0 miles south of Morgantown.
- KY 1469
A - From the junction with KY 317, 2.0 miles east of Deane in Letcher County to the junction with US 23 near Esco in Pike County.
- KY 1470
A - From the junction with KY 92, 0.9 mile west of Holly Hill in McCreary County to end of state maintenance, 0.3 mile west of Long Ridge Road.
- KY 1471

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- A - From the junction with KY 7 at Swampton in Magoffin County to a point 0.24 mile south of Equal Fork Road.
- KY 1472
 - A - From the junction with KY 395, 0.7 mile east of Harrisonville in Shelby County to the junction with KY 1779.
- KY 1473
 - A - From the junction with KY 189 in Muhlenberg County, 3.4 miles northeast of Christian County line to the junction with KY 171 south of Greenville.
- KY 1474
 - A - From the junction with KY 227 near Beechwood to Teresita (Owen County).
- KY 1475
 - A - From the junction with KY 58, 1.6 miles northwest of Clinton to the junction with Taylor Road (Hickman County).
- KY 1476
 - A - From the junction with KY 617, 1.0 mile east of Kentontown to the junction with KY 165 (Robertson County).
- KY 1477
 - A - From the junction with KY 1462, via the Benton-Briensburg Road to the junction with KY 58 in Briensburg in Marshall County.
- KY 1479
 - A - From the junction with KY 92 at Barrier to junction Johnson Fork Road (Wayne County).
- KY 1480
 - A - From the junction with KY 120 near west city limits of Providence to junction KY 109 (Webster County).
- KY 1481
 - A - From the junction with KY 204, 2.3 miles north of Redbird in Whitley County extending west 2.66 miles.
- KY 1482
 - A - From the junction with US 421 at Bear Branch in Leslie County to the junction with KY 66 at Oneida.
- KY 1483
 - A - From the junction with KY 94, east of Murray, to the Elm Grove Road in Calloway County.
- Ky 1484
 - A - From the junction with US 68 east of Fairdealing, via the Hiter Cut-Off Road to the junction with KY 962 in Marshall County.
- KY 1485
 - A - From Tennessee state line at Boydsville to the junction with KY 97 at Bell City in Graves County.
- KY 1486
 - A - From the junction with KY 17, 2.8 miles south of Maurice to the junction with KY 16, 0.75 mile north of White Tower in Kenton County.
- KY 1487
 - A - From the junction with KY 6 in Barbourville in Knox County to the junction with US 25E, 0.6 mile north of KY 11.
- KY 1488
 - A - From the junction with US 42 northeast of LaGrange in Oldham County to the junction with KY 524 near Covington Church.
- KY 1489
 - AA - From the junction with US 68, 2.1 miles east of Canton in Trigg County to Barkley Dam State Park entrance.
 - A - From Barkley Dam State Park to the junction with US 68, 2.7 miles southwest of Cadiz.
- KY 1490
 - A - From the junction with KY 1949 six-tenths (0.6) mile northwest of Oak Level, via Oak Level-Elva Road to the junction with Ky 348 in Marshall County.
- KY 1491
 - A - From the junction with KY 190 east of Clear Creek Springs in Bell County to junction KY 190, 0.2 mile west of Clear Creek Bridge.
- KY 1492
 - A - From the junction with US 421, 5.5 miles southeast of Milton to junction KY 36, 3.6 miles northwest of Carrollton.
- KY 1493
 - A - From the junction with KY 58, 2.5 miles northwest of Clinton to junction the Taylor Road.
- KY 1494
 - A - From the junction with KY 61 at south city limits of Shepherdsville to junction KY 61, 0.8 mile south of Bardstown junction Ky 1495.
- KY 1495
 - A - From the junction with KY 293 near the southwest city limits of Princeton to junction Dulaney Loop Road.
- KY 1496
 - AA - From the junction with KY 1 near Willard in Carter County to 2.0 miles east of KY 1.
 - A - From the junction with KY 7 near Shady Valley to junction KY 1 near Willard; and from a point 2.0 miles east of KY 1 near Willard to junction KY 3 in Lawrence County.
- KY 1497
 - A - From the Tennessee State line east of Hazel, via the Murray-Paris Road, to the junction with KY 121 in Calloway County.
- KY 1498
 - A - From the junction with KY 7 near Hall in Knott County to junction KY 122 east of Buckingham in Floyd County.
- KY 1499
 - AA - From the junction with US 460, at Mouthcard in Pike County to junction KY 194 at Nigh Station.
- KY 1500
 - A - From the junction with KY 447 near south city limits of Radcliff in Hardin County to junction the Flaherty-Otter Creek Road in Meade County.
- KY 1501
 - A - From the junction with KY 17, 0.9 mile north of Independence to junction KY 16 at Oak Ridge (Kenton County).
- KY 1502
 - A - From the junction with KY 542 near Waldo in Magoffin County extending south 3.28 miles.
- KY 1503
 - A - From the junction with KY 846 at Sturgeon to junction KY 1350 at Island City in Owsley County.
- KY 1504
 - A - From the junction with US 62, 1.0 mile west of Mt. Olivet to junction US 62, 1.0 mile east of the Harrison County line.
- KY 1505
 - A - From the junction with US 150 at Brodhead to junction US 25 at Conway (Rockcastle County).
- KY 1506
 - A - From the junction with US 119 in South Williamson (Pike County) to north end of 2nd. Avenue Bridge in Williamson, West Virginia.
- KY 1507
 - A - From the junction with KY 958, 6.8 miles northeast of Cadiz to junction KY 128, 1.6 miles northeast of Buffalo.
- KY 1508
 - A - From the junction with KY 109, west of Sturgis to junction KY 109, 2.4 miles southwest of Henshaw.
- KY 1509
 - A - From the junction with KY 783, 1.2 miles north of Penney in Calloway County to Kyle Field.
- KY 1510
 - A - From the junction with US 62, 1.8 miles east of Lawrenceburg to Main Cross Street at Tyrone.
- KY 1511
 - A - From the junction with KY 462 in Taylor County at the Larue County line to extends east to Taylor-Marion County line.
- KY 1512
 - A - From the junction with KY 773 at Denton in Carter County to junction Glancy Fork Road.
- Ky 1513
 - A - From the junction with KY 951, 1.8 miles southwest of Hancock County line to the Hancock County line.

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- KY 1514
A - From the junction with KY 81, 1.5 miles north of McLean County line to junction KY 815, 4.0 miles southeast of west Louisville (Daviess County).
- KY 1515
A - From the junction with KY 111, 1.4 miles north of Hillsboro in Fleming County to junction KY 156, 0.5 mile east of Bald Hill.
- KY 1516
A - From the junction with KY 1098, 0.1 mile east of Breathitt County line to junction County Road at Decoy (Knott County)
- KY 1517
A - From the junction with KY 357 at Maxine in Larue County to junction US 31W at the Hardin County line.
- KY 1518
A - From the junction with Ky 1311, via Hitte Road and Toy York Road, to the junction with US 641 near Gladstone in Marshall County.
- KY 1519
A - From a point 0.48 mile east of US 641 at south boundary of Kentucky Dam Village State Park to Kentucky Lake (Marshall County).
- KY 1520
A - From the junction with KY 1049 in Monroe County to junction KY 163 in Metcalfe County.
- KY 1521
A - From the junction with KY 444 near Hamlin to waters edge of Kentucky Lake (Calloway County).
- KY 1522
A - From the junction with KY 80 near Brewers, via Soldier Creek Cemetery Road, to the junction with KY 58 in Marshall County.
- KY 1523
AAA - From the junction with US 62, sixty-five hundredths (0.65) miles west of Calvert City to the junction with KY 282 east of Calvert City in Marshall County.
A - From the junction with KY 282 east of Calvert City to the junction with US 62 near the south city limits of Calvert City.
- KY 1524
A - From the junction with US 421 near Botts in Clay County to junction KY 66 at mouth of Blue Hole Creek.
- KY 1525
A - From the junction with KY 120, 0.7 mile east of Crittenden County line to junction KY 109, 0.8 mile northwest of Diamond.
- KY 1526
AAA - From the junction with KY 1020 at Brooks to junction KY 1450, near east side of I-65; and from junction KY 61, 2.6 miles north of Shepherdsville to 0.25 mile east of beginning at stone quarry (Bullitt County).
A - From the junction with KY 44, 0.9 mile east of Cupio to junction KY 1020; and from 0.25 mile east of stone quarry entrance to junction KY 44, 4.1 miles northeast of Shepherdsville (Bullitt County).
- KY 1527
A - From the junction with US 25E near Bentley Station to junction KY 229 near Bailey Switch (Knox County).
- KY 1528
A - From the junction with KY 282 at Kentucky Dam Village State Park to Tennessee River Bank.
- KY 1529
A - From the junction with KY 239 at Moscow in Hickman County to junction US 45 at Water Valley in Graves County.
- KY 1530
A - From Knox-Whitley County line to junction KY 11, 5.1 miles southwest of Barbourville in Knox County.
- KY 1531
A - From the junction with KY 1319 near Whitfield in Bullitt County to junction KY 362 in Shelby County.
- KY 1532
A - From the junction with US 431 in Lewisburg to a point 900 feet north of Green Street.
- KY 1533
A - From the junction with KY 234, 1.7 miles north of Settle in Allen County to junction KY 252, 3.1 miles east of Meador.
- KY 1534
A - From the junction with US 25E at Ferndale to junction KY 1344 at Page (Bell County).
- KY 1535
A - From the junction with KY 80, 4.0 miles west of London to junction Frog Pond Road (Laurel County).
- KY 1536
A - From the junction with KY 280, via Workman, Ezell, Cherry Corner and Dr. Douglas Roads, to another junction with KY 280 near Kentucky Lake in Calloway County.
- KY 1537
A - From the junction with Whickerville Road in southeast Hart County to the Green County line.
- KY 1538
A - From the junction with KY 1357, 0.8 mile west of Street John to junction KY 1600, 0.5 mile southeast of Rineyville.
- KY 1539
A - From the junction with KY 351 near east city limits of Henderson to junction of Rucker Road.
- KY 1540
A - From the junction with KY 58, 3.5 miles northwest of Clinton to junction US 51, 2.0 miles north of Clinton.
- KY 1541
A - From the junction with KY 39 near Pain Lick Ferry in Jessamine County to junction KY 39, 1.8 miles southeast of Nicholasville.
- KY 1543
AAA - From the junction with KY 69, east of Hartford in Ohio County to a point 1.0 mile east of KY 69.
A - From the junction with US 231 in Hartford to junction KY 69; and from 1.0 mile east of KY 69 to junction US 62, east of Beaver Dam.
- KY 1544
A - From the junction with US 62 at Rosine to junction KY 1164, 3.0 miles west of Olaton (Ohio County).
- KY 1545
A - From junction KY 80 at Russell Springs to junction US 127 near Humble (Russell County).
- KY 1546
A - From the junction with KY 90, 3.6 miles southwest of Monticello to Lake Cumberland Boys Camp (Wayne County).
- KY 1547
A - From the junction with KY 70, 4.0 miles southwest of Liberty to junction KY 49, 7.9 miles north of Liberty (Casey County).
- KY 1548
A - From Boone-Grant County line to junction Eads Road in Boone County.
- KY 1549
A - From the junction with KY 470 in Magnolia to KY 1079 in Magnolia (Larue County).
- KY 1550
A - From the junction with KY 893 at Harris Grove to junction US 641 in Murray (Calloway County).
- KY 1551
A - From the junction with KY 464 at Shiloh to junction KY 94 (Calloway County).
- KY 1552
A - From the junction with KY 49, 2.0 miles north of Liberty to junction KY 198 at Middleburg (Casey County).
- KY 1553
A - From the junction with KY 639, 1.5 miles north of Snow in Clinton County to junction KY 734.

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- KY 1554
 A - From the junction with KY 56 at Sorgho to junction US 60 at Stanley (Daviess County).
- KY 1555
 A - From the junction with KY 504 near Gimlet in Elliott County to the Carter County line.
- KY 1556
 A - From the junction with US 421, 1.0 mile northwest of Cawood in Harlan County to a point 2.0 miles southwest of US 421.
- KY 1557
 A - From the junction with Sulphur Springs Road in Henderson County to junction US 60, 0.7 mile southwest of Corydon.
- KY 1558
 A - From the junction with KY 408, 0.7 mile west of Purchase Parkway to junction KY 348, 0.7 mile west of Purchase Parkway (Marshall County).
- KY 1559
 A - From the junction with KY 201 near Sitka in Johnson County to junction US 23, 5.8 miles north of Paintsville.
- KY 1561
 A - From the junction with KY 80, 4.2 miles southeast of the Courthouse in London to end of state maintenance near the Ralph Farris Road (Laurel County).
- KY 1562
 A - From the junction with KY 518, 0.9 mile southeast of Hustonville to junction KY 198, 1.2 miles southwest of McKinney (Lincoln County).
- KY 1563
 A - From the junction with KY 473 at Ingleside in Ballard County to junction KY 358 in McCracken County.
- KY 1564
 A - From the Ballard County line to the junction with KY 358, one and two-tenths (1.2) miles east of Ragland in McCracken County.
- KY 1565
 A - From the junction with KY 724, 1.5 miles north of Camelia to junction KY 358, 0.8 mile northwest of Temple Hill (McCracken County).
- KY 1566
 A - From the junction with KY 1997 near Twelve Mile Church to junction KY 8 at Oneonta (Campbell County).
- KY 1567
 A - From the junction with KY 92, 0.5 mile east of Revelo to junction US 27 (McCreary County).
- KY 1568
 A - From the junction with KY 90 at Frazer in Wayne County to end of state maintenance, 0.4 mile north of the Copenhagen Road.
- KY 1569
 A - From the junction with KY 946 near Pomeroyton in Menifee County to junction US 460 at Wellington.
- KY 1570
 A - From the junction with KY 12, 2.6 miles west of Bald Knob School in Franklin County to junction US 421, 1.5 miles northwest of Frankfort.
- KY 1571
 A - From the junction with KY 52 in Ravenna to junction KY 52, 2.3 miles west of Crystal (Estill County).
- KY 1572
 A - From the junction with US 31E, 0.5 mile south of Canmer to junction KY 677, 1.3 miles south of Defries (Hart County).
- KY 1573
 A - From the junction with KY 1572, 3.0 miles southeast of Canmer in Hart County to junction KY 677 east of Canmer.
- KY 1574
 A - From the junction with the Mt. Vernon Road in Union County to junction KY 136, 1.5 miles west of Alzey in Henderson County.
- KY 1575
 A - From the junction with US 27 in Somerset, via University Avenue to junction KY 39 in Somerset (Pulaski County).
- KY 1576
 A - From Tennessee state line in Clinton County to junction KY 738, 1.5 miles southwest of Albany.
- KY 1577
 A - From the junction with KY 1642 in Somerset via Oak Hill Road to junction KY 1247 near Southern RR underpass (Pulaski County).
- KY 1578
 A - From the junction with KY 99 at Tennessee state line to junction KY 1421, 2.3 miles north of Mt. Union.
- KY 1579
 A - From beginning of state maintenance at Corps of Engineers property line near Taylorsville Lake in Anderson County to junction KY 44 near Pleasant Hill Church.
- KY 1580
 AA - From the junction with KY 1247 at Ferguson in Pulaski County to entrance to Crane Company Plant.
- KY 1581
 AAA - From the junction with US 41A in Madisonville to L & N RR crossing.
- A - From L & N RR crossing to junction KY 1178 (Noel Avenue).
- KY 1582
 A - From the junction with US 127, 4.5 miles northeast of Liberty to junction KY 1552 (Casey County).
- KY 1583
 A - From the junction with US 62, 40 feet west of ICRR crossing at Horse Branch in Ohio County to junction US 62, 300 feet east of Horse Branch School.
- KY 1584
 A - From Main Street (US 150) in Springfield, via Walnut Street to junction KY 555 near Spalding Lane (Washington County).
- KY 1585
 A - From the Christian County line to the junction with US 68 at Montgomery in Trigg County.
- KY 1586
 A - From the junction with KY 433 north of Mackville in Washington County to junction KY 53 at Sharpsville.
- KY 1587
 A - From low water mark on Green River near Wrightsburg to junction KY 256, 1.0 mile south of Beech Grove (McLean County).
- KY 1588
 A - From the junction with KY 79 northeast of Russellville to junction KY 1038 (Logan County).
- KY 1589
 A - From the junction with KY 81 at Semiway in McLean County to junction KY 138, 3.7 miles southeast of Calhoun.
- KY 1590
 AAA - From the junction with US 127 in Albany (Clinton County) to junction US 127 at Ida northwest of Albany.
- KY 1591
 A - From the junction with KY 877, via Cherry Road to the junction with KY 123 at the southwest city limits of Bardwell in Carlisle County.
- KY 1592
 A - From the junction with KY 139, via the Shady Grove-Webster Road to the junction with KY 293 one and four-tenths (1.4) miles south of the Hopkins County line in Caldwell County.
- KY 1593
 A - From the junction with Lykins-Harper Road near Lykins in Magoffin County to junction KY 1081 near Edna.
- KY 1594
 A - From the junction with KY 56, 1.0 mile west of Morganfield to junction KY 947, 2.3 miles northwest of Morganfield (Union County).

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- KY 1595
 AA - From the junction with KY 190 near Pearl at Whitley-Bell County line to junction KY 82, 1.0 mile south of Siler.
- KY 1596
 A - From the junction with KY 40 at Wells Chapel in Johnson County to junction Bear Branch Road.
- KY 1597
 A - From the junction with KY 10 at Moranburg in Mason County to junction KY 8.
- KY 1598
 A - From the junction with KY 56 at Spring Grove in Union County to junction KY 871.
- KY 1599
 A - From the junction with KY 74 in Middlesboro to junction KY 441 in Middlesboro (Bell County).
- KY 1600
 A - From the junction with US 31W in Elizabethtown to junction KY 333 at Maples Corner in Meade County.
- KY 1601
 A - From the junction with KY 38 at Verda to a point 1.527 miles up Jones Creek (Harlan County).
- KY 1602
 A - From the junction with KY 111 at Wyoming via Oakley to junction KY 1325, 1.5 miles south of junction KY 11 (Bath County).
- KY 1603
 A - From the junction with KY 91 at Scottsburg to the junction with KY 278 in Caldwell County.
- KY 1604
 A - From the junction with KY 480 at Cedar Grove Church to junction KY 145 near Lotus (Bullitt County).
- KY 1605
 A - From the junction with US 60, 0.5 mile northwest of Petrie to junction KY 334, 3.7 miles northeast of Lewisport (Hancock County).
- KY 1606
 A - From the junction with US 421, 0.3 mile east of the Trimble County line via Sulphur to junction KY 146, 2.0 miles west of New Castle (Henry County).
- KY 1607
 A - From the junction with KY 61, 0.2 mile north of north city limits of Hodgenville to 0.08 mile south of Hardin County line (Larue County).
- KY 1608
 A - From the junction with KY 135 near Good Hope Church, to junction KY 763, 2.2 miles northeast of Bayou (Livingston County).
- KY 1609
 A - From the junction with KY 896, 1.7 miles north of Sawyer to Lake Cumberland near Ross Branch (McCreary County).
- KY 1610
 A - From the junction with US 62 near Possum Trot, to junction US 68, 1.4 miles east of Sharpe (Marshall County).
- KY 1611
 A - From the junction with KY 76, 0.7 mile northeast of Whittle via Ono to south bank of Lake Cumberland (Russell County).
- KY 1612
 A - From the junction with KY 1122 near north end of bridge over Little Fork Creek in Carter County to junction Little Brushy Creek Road in Elliott County.
- KY 1614
 A - From the junction with KY 469 at Upper Keaton School to junction KY 172, 1.5 miles east of Relief (Johnson-Morgan County).
- KY 1615
 A - From the junction with KY 70 approximately 5.5 miles southwest of Liberty to junction KY 1547, 0.6 mile east of White Oak School (Casey County).
- KY 1616
 A - From the junction with US 60, 1.0 mile southeast of east city limits of Hardinsburg to junction US 60, 0.7 mile west of Harned (the Fair Grounds Road in Breckinridge County).
- KY 1617
 A - From US 25 at Roundstone to a point 1.0 mile north of KY 21 (Madison-Rockcastle Counties).
- KY 1618
 AAA - From junction US 31E near south city limits of Hodgenville to junction KY 210 (Larue County).
- KY 1619
 A - From the junction with KY 90 near Frazer via Betsy to junction KY 90, 0.4 mile southwest of Touristville (Wayne County).
- KY 1620
 A - From the junction with KY 504 at Gimlet to junction KY 174 in Limestone (Carter-Elliott Counties).
- KY 1621
 A - From the junction with KY 719 at Fannin to a point 1.0 mile southeast of beginning (Elliott County).
- KY 1622
 A - From the junction with KY 813, 2.0 miles east of Mortons Gap to a point 1.9 miles southeast of the beginning (Hopkins County).
- KY 1623
 A - From the junction with KY 1989 approximately 1.4 miles east of Cornishville to junction KY 390 approximately 1.2 miles west of Bohon (Mercer County).
- KY 1624
 A - From the junction with KY 689, 1.7 miles east of Barnrock to the Lawrence-Johnson County line (Johnson County).
- KY 1625
 A - From the junction with KY 55, 2.0 miles south of Campbellsville to a point 1.13 miles southeast of the beginning (Taylor County).
- KY 1626
 A - From the junction with US 60 at Globe to junction KY 174 at Soldier (Carter County).
- KY 1627
 A - From the junction with US 62, three and four-tenths (3.4) miles northeast of Princeton, via the Jones-Keeney Road and the Mt. Hebron Church Road to the junction with US 62 at Montgomerys in Caldwell County.
- KY 1628
 A - From the junction with KY 121 at Magee Springs, via Magee Springs and California Roads, to the junction with US 62 near Scotts Corner in Carlisle County.
- KY 1629
 A - From the junction with KY 830, 1.2 miles south of the Laurel County line to junction US 25E at junction Carter and East Masters Sts. in Corbin (Knox County).
- KY 1630
 A - From the junction with KY 221, 2.1 miles northeast Jensen to Kettle Island Branch (Bell County).
- KY 1631
 AAA - From the junction with US 60A (eastern Parkway) in Louisville, via Crittenden Drive and Fern Valley Road to junction KY 61 (Preston Highway).
- A - From the junction with KY 61, via Fern Valley Road to junction KY 864 at south side of GE Appliance Park.
- KY 1632
 AAA - From the junction with US 27 at Southgate to junction KY 9 at Wilders (Campbell County).
- KY 1633
 A - From the junction with KY 44 at west city limits of Taylorsville to junction KY 55 near Elk Creek (Spencer County).
- KY 1635
 AAA - From beginning of State Maintenance at Tip Top in southern Magoffin County to junction KY 867 near Sublett.
- A - From Tip Top in Magoffin County to junction KY 542 in Breathitt County.
- KY 1636
 A - From the junction with Burton Road at Biddle to junction KY

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- 32, 1.0 mile southeast of Josephine (Scott County).
- KY 1637
A - From the junction with KY 360, 3.2 miles east of Uniontown to the Uniontown Road near the Ohio River (Union County).
- KY 1638
AAA - From the junction with KY 448, southeast of Brandenburg to junction US 31W at Muldraugh (Meade County).
- KY 1639
A - From the junction with KY 15, 1.9 miles southeast of Bowen to the Estill County line (Powell County).
- KY 1640
A - From the junction with KY 910 near Phelps Elementary School, via Pumkin Chapel to junction KY 206, 0.7 mile south of Rheber (Casey County).
- KY 1642
AA - From the junction with US 27, 2.1 miles south of Somerset to junction KY 1247 near Elihu.
A - From the junction with Old Shafter-Trimble Road at Shafter in Pulaski County to junction US 27, 2.6 miles south of Somerset.
- KY 1643
A - From the junction with KY 769, 0.4 mile west of Meece, via Colo to junction KY 192 approxi. 2.8 miles west of Dykes (Pulaski County).
- KY 1644
A - From the junction with US 51, 0.6 mile north of KY 116 to KY 166, 700 feet west of US 51 (Fulton County).
- KY 1645
A - From the junction with Main Street in Irvine, via Estill and Kirkland Streets to junction KY 1571 at east city limits of Ravenna (Estill County).
- KY 1646
AAA - From the junction with US 31W at Bullion Blvd. in Fort Knox, extending south to Red Hill Road (Hardin County).
A - From Red Hill road in Radcliff to junction KY 313 near the south city limits of Radcliff (Hardin County).
- KY 1647
A - From the junction with Fall Lick Road, via Harmons Lick Road and Drakes Creek Road, to junction KY 52 at Point Leavell (Garrard County).
- KY 1648
A - From the junction with US 51, 350 feet north of KY 116 via West Second Street and Stephen Beale Drive to junction US 45 Bypass at US 51 (Fulton County).
- KY 1649
A - From the junction with KY 70 near east city limits of Liberty to junction KY 837, 1.8 miles southwest of Joyce (Casey County).
- KY 1650
A - From the junction with KY 70 approximately 2.0 miles north of Quail via Ottawa to junction KY 618, 0.2 mile east of Lincoln County line (Rockcastle County).
- KY 1651
A - From the junction with US 27 east of Pine Knot via Pine Knot, Whitley City, and Marshes Siding to junction US 27, near the Ranger Station (McCreary County).
- KY 1653
A - From the junction with KY 191 in Campton to junction KY 15 north of the Mountain Parkway (Wolfe County).
- KY 1654
A - From the junction with KY 854, 1.1 miles south of Kilgore via Nortons Branch to Music (Boyd-Carter Counties).
- KY 1655
A - From the junction with KY 185 near Ready to Wilson Church (Grayson County).
- KY 1656
A - From the junction with KY 728 west of Bonnieville to junction Walnut Grove School Road near Vento (Hart County).
- KY 1657
A - From the junction with US 27, 0.5 mile north of KY 22 to junction KY 467, 0.6 mile south of Portland (Pendleton County).
- KY 1658
A - From the junction with KY 32, northeast of Carlisle to Goose Creek Road (Nicholas County).
- KY 1659
AAA - From Millville in Woodford County to junction US 60 (East Main Street) Frankfort.
A - From junction US 60 in Versailles to Millville in Woodford County.
- KY 1660
A - From the junction with KY 94 approximately 1.0 mile west of Murray extending north to KY 121 (Calloway County).
- KY 1661
A - From the junction with US 45, 1.05 miles south of southwest city limits of Mayfield to junction South Tenth Street at the south city limits of Mayfield (Graves County).
- KY 1662
A - From the junction with US 60, 0.3 mile east of Upper Tygart to junction KY 59 at Emerson (Carter-Lewis Counties).
- KY 1663
A - From the junction with KY 1349, three-tenths (0.3) mile north of US 68, via the Buffalo-Quisenberry Road to the Trigg County line.
- KY 1664
A - From the junction with KY 196 at Burnetta, 3.2 miles west of Nancy to junction KY 761 at Naomi (Pulaski County).
- KY 1665
AA - From the junction with US 127, south of Frankfort to junction US 60 at Bridgeport.
A - From the junction with US 60 at Bridgeport to junction US 421, northwest of Frankfort.
- KY 1666
A - From the junction with KY 1131, 0.6 mile north of KY 1295 to junction county road at Nina (Garrard County).
- KY 1667
A - From the junction with KY 1779, 0.3 mile east of Guist Creek Bridge to Guist Creek Boat Dock (Shelby County).
- KY 1668
A - From the junction with US 60, 2.0 miles west of Marion to junction KY 135 at Colon School (Crittenden County).
- KY 1669
A - From the junction with KY 227 at Wheatley to junction KY 325 (Owen County).
- KY 1670
A - From the junction with KY 22 at south city limits of Owenton to a point 2.6 miles south of the beginning (Owen County).
- KY 1672
A - From the junction with KY 143, 0.5 mile south of KY 109 to junction county road 1.3 miles northwest of the beginning (Webster County).
- KY 1673
A - From the junction with KY 478, 0.8 mile southwest of the Whitley County line to junction KY 92 near McCreary County line (McCreary-Whitley Counties).
- KY 1674
A - From the junction with US 27, 0.6 mile north of KY 80 to Big Clifty Creek (Pulaski County).
- KY 1675
AA - From the junction with KY 80 near Stab in Pulaski County to junction Acorn-Lick Creek Road at Acorn.
A - From the junction with KY 1003 near Goodwater to junction Acorn-Lick Creek Road at Acorn.
- KY 1676
A - From the junction with KY 635, 0.7 mile northwest of Science Hill via Mt. Zion, Houge, Mangum to junction KY 837 at Mintonville (Pulaski-Casey Counties).
- KY 1677
A - From the junction with KY 461, 0.5 mile south of Valley Oak, via Dahl to Sinking Valley (Pulaski County).

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- KY 1678
AA - From the junction with US 68 in Paris to junction US 60, west of Winchester.
- KY 1679
A - From the junction with US 421, approximately 4.0 miles north of Harlan to junction US 119 on top of Pine Mountain 4.5 miles south of Whitesburg (Harlan-Letcher Counties).
- KY 1680
A - From the junction with KY 619 at Karlus to north bank of Lake Cumberland at Pleasant Hill Boat Dock (Russell County).
- KY 1681
AAA - From the junction with KY 4 near Lexington, via Faywood, Nugent Crossroads, and Duckers to junction KY 1659 at Millville in Woodford County.
A - From the junction with US 60 in Lexington near southwest end of Jefferson Street Viaduct to junction KY 4.
- KY 1682
AAA - From the junction with US 68, west of Hopkinsville to junction Pennyryle Parkway.
A - From the junction with Pennyryle Parkway to junction KY 189 at Carl.
- KY 1683
AAA - From the junction with US 27, 0.4 mile south of KY 4 near south city limits of Lexington to junction Clays Mill Road.
- KY 1684
A - From the junction with KY 348 at Hard Money to junction KY 131, 2.2 miles southwest of Kaler (Graves County).
- KY 1685
A - From the junction with US 460 near Woodlake via Spring Station and McKees Crossroads to junction US 62 at Milner (Franklin-Woodford Counties).
- KY 1686
A - From the junction with KY 1748 near Beulah to junction KY 339, 2.2 miles south of Fancy Farm (Graves-Hickman Counties).
- KY 1687
A - From the junction with KY 407 at Old Empire via Daniel Boone to junction US 62 near Homestead (Christian-Hopkins Counties).
- KY 1688
A - From the junction with KY 1262, 1.8 miles southeast of Switzer to junction KY 227 in Stamping Ground (Franklin-Scott Counties).
- KY 1689
A - From the junction with US 460 at Forks of Elkhorn to junction KY 227, 0.5 mile north of Stamping Ground (Franklin-Scott Counties).
- KY 1690
A - From the junction with KY 644, 1.1 miles southwest of KY 3 via Richardson to Patrick (Lawrence County).
- KY 1692
A - From the junction with KY 144 at Highland Church to southwest city limits of Brandenburg (Meade County).
- KY 1693
AA - From the junction with US 460 in eastern Menifee County to junction KY 1274 near Big Woods.
- KY 1694
AAA - From the junction with KY 22 at Worthington in Jefferson County to junction US 42, 1.0 mile of Skylight in Oldham County.
- KY 1695
A - From the junction with KY 615, 1.0 mile east of KY 213 to 1.7 miles north (Powell County).
- KY 1696
A - From the junction with KY 319 at Hardy to a point approximately 2.9 miles up Narrows Branch (Pike County).
- KY 1697
A - From the junction with KY 80 at Garner to junction KY 899 at Pippa Passes (Knott County).
- KY 1698
A - From the junction with KY 307, 1.0 mile north of Fulton County line to junction KY 94, 1.0 mile east of KY 307 (Hickman County).
- KY 1699
A - From the junction with US 60, 1.5 miles east of the Watter-son Expwy. to junction KY 146 near Ormsby Village (Jefferson County).
- KY 1700
A - From the junction with KY 54 at the west city limits of Fordsville via Easton to junction KY 144 at Patesville (Ohio-Hancock Counties).
- KY 1701
A - From the junction with KY 55 at Burdick to the Lemon Bend School (Taylor County).
- KY 1702
A - From the junction with KY 768, 1.1 miles south of Portland and Pickett to the Green County line (Adair County).
- KY 1703
AAA - From the junction with KY 2052 (Old Shepherdsville Road) near G.E. Appliance Park, via Newburg Road and Baxter Avenue to junction US 31E in Louisville.
- KY 1704
A - From the junction with KY 2 north of I-64 to a point 0.083 mile north of US 60 (Carter County).
- KY 1705
A - From the junction with KY 89 in north Irvine to Upper White Oak School (Estill County).
- KY 1706
A - From jct. KY 94 approximately 2.0 miles west of US 51 to junction KY 166 approximately 3.0 miles west of US 51 (Fulton County).
- KY 1707
A - From the junction with KY 1262 near Peaks Mill to junction KY 368 at Elmville (Franklin County).
- KY 1708
A - From the junction with KY 123 (Hilliard Road), 4.0 miles east of Clinton to junction KY 307, 1.5 miles north of Fulgham (Hickman County).
- KY 1709
A - From the junction with KY 1431, 0.80 mile south of Herd to junction KY 577 near Falling Timber Church (Clay-Jackson Counties).
- KY 1710
A - From the junction with KY 464 near Bethel Church to junction KY 80 and KY 58 approximately 1.0 mile east of Mayfield (Graves County).
- KY 1711
A - From the junction with KY 1, 1.0 mile south Clay Lick Bridge, extending west to cabin area of lake (Greenup County).
- KY 1712
A - From the junction with KY 782 near Greggs School to junction US 68, 1.6 miles northwest of Palma (Marshall County).
- KY 1713
A - From the junction with KY 95 in Calvert City to junction county road 0.367 mile southeast of east city limits of Calvert City (Marshall County).
- KY 1714
A - From the junction with KY 292 at Lovely via Pilgrim and Coalpoint to the Caney Fork Road at Laura (Martin County).
- KY 1715
A - From the junction with KY 172 near Moon to junction KY 469, 1.8 miles southwest of Martha (Morgan-Lawrence Counties).
- KY 1716
A - From the junction with US 68 at Massies Chapel, via Osley Road to the junction with KY 508 (Christian County).
- KY 1717
A - From the junction with KY 708 at Lerosse to the mouth of

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- the Spencer Cork Creek (Owsley County).
- KY 1718
A - From the junction with US 45 in Fulton via Fourth, Eddings, Sixth and Fairview Streets to US 45 Bypass.
- KY 1719
A - From ICG Railroad underpass at Depot Street in Clinton, along Depot, Blair and Kane Sts. to a point 150 feet east of Cemetery Street (Hickman County).
- KY 1720
A - From the junction with KY 92 approximately 3.1 miles northwest of Monticello to junction KY 789, northwest of Eadsville (Wayne County).
- KY 1721
A - From the junction with KY 1247, 3.0 miles southeast of Eubank to a point 2.2 miles northeast of the beginning (Pulaski County).
- KY 1722
A - From the junction with KY 801, 1.1 miles north of Farmers to junction KY 211, 0.9 mile north of the Bath-Rowan County line (Rowan County).
- KY 1723
AA - From the junction with US 60 near Cisco Road in Lexington, via Forbes Road to junction US 421 at the Meadowthorpe Shopping Center.
A - From the junction with US 68 in Lexington to junction US 60 in Lexington.
- KY 1724
A - From the junction with US 150, 4.0 miles northwest of Springfield to junction KY 1183, 1.5 miles southwest of the beginning (Washington County).
- KY 1725
A - From the junction with US 23, 1.2 miles north of the Boyd County line to junction KY 693, 0.1 mile east of KY 1170 (Greenup County).
- KY 1726
AA - From the junction with KY 79, 1.5 miles south of Midway to junction Hayesville Road, 0.8 mile southwest of KY 144 (Meade County).
- KY 1727
AAA - From the junction with Johnstontown Road, via Terry Road to junction KY 1934 (Jefferson County).
- KY 1728
AAA - From the junction with US 51 in Clinton via W. Moore Street and Farmers Gin Lane to junction US 51 north of Clinton (Hickman County).
- KY 1729
A - From the junction with KY 80, 0.6 mile northwest of the northwest city limits of Russell Springs via Sano to junction KY 80 approximately 2.0 miles east of Ozark (Russell-Adair Counties).
- KY 1730
A - From the junction with US 127, 0.45 mile southwest of the southwest end of Wolfe Creek Dam to Manntown (Russell County).
- KY 1731
A - From the junction with KY 58 in Clinton along Waterfield to KY 703 (Hickman County).
- KY 1732
A - From a point 0.07 mile south of Grand Avenue to a point 0.1 mile north of Grand Avenue near Banklick Creek at south city limits of Covington (Kenton County).
- KY 1733
A - From the junction with US 127 southbound to junction US 127 northbound in Albany (Clinton County).
- KY 1734
A - From the junction with KY 7, 0.5 mile south of Galdia to a point 1.3 miles up Salt Lick Creek (Magoffin County).
- KY 1735
A - From the junction with KY 333, 3.0 miles north of Big Spring to junction KY 1238 (Meade County).
- KY 1736
A - From the junction with KY 448, 4.0 miles southeast of Brandenburg-Ekron Road, 0.6 mile north of Ekron (Meade County).
- KY 1737
A - From the junction with US 231, 2.0 miles northwest of Hartford to junction KY 1414 (Ohio County).
- KY 1738
A - From the junction with KY 764, 2.1 miles northeast of Bells Run to junction KY 1414, 0.5 mile southwest of Ralph (Ohio County).
- KY 1739
A - From the junction with KY 845, 1.3 miles north of Breck to a point 1.945 miles toward Eagle Creek (Owen County).
- KY 1740
A - From the junction with KY 79 near Axtel to junction KY 79 near Kingswood (Breckinridge County).
- KY 1741
A - From the junction with KY 123, 1.6 miles southwest of Bardwell to junction US 51-KY 123 Road, 2.188 miles west of beginning (Carlisle County).
- KY 1742
A - From the junction with KY 551, 0.4 mile south of Casey Creek via KY 70 to junction KY 1547, 1.2 miles west of KY 49 (Casey-Adair Counties).
- KY 1743
AAA - From the junction with KY 36, 2.0 miles northwest of Cynthiana to entrance to Webber Sausage Plant.
A - From entrance to Webber Sausage Plant to junction Poindexter Road.
- KY 1744
A - From the junction with KY 1032 at Kelat to junction US 27, 1.8 miles south of Pendleton County line (Harrison County).
- KY 1745
A - From the junction with US 51 in Clinton along Creasap and College Streets to KY 123 (Hickman County).
- KY 1746
A - From the junction with KY 52, 2.0 miles southeast of the Estill County line to Cathedral Domain Camp (Lee County).
- KY 1747
AAA - From the junction with KY 155, northwest of Jeffersontown via Hurstbourne Lane to junction US 60 between St. Matthews and Middletown (Jefferson County).
A - From the junction with US 60 extending northeast to Dorsey Lane (Jefferson County).
- KY 1748
A - From the junction with KY 307 at Beulah via Dublin and Pryorsburg to the junction with KY 339 at Stubblefield (Graves-Hickman Counties).
- KY 1749
A - From the junction with KY 743 near the Warren County line to junction KY 185 at the south end of the Green River Bridge (Edmonson-Warren Counties).
- KY 1750
A - From the junction with KY 1428, 0.8 mile south of Hager Hill to junction KY 1427 near Bonanza (Johnson-Floyd Counties).
- KY 1751
AAA - From the junction with US 41A near north city limits of Madisonville to junction US 41 north of Madisonville.
- KY 1752
A - From the junction with KY 76, 1.8 miles southeast of KY 70, via Speck and Feathersburg, to junction KY 70 at Casey County Line (Taylor County).
- KY 1753
A - From the junction with KY 104, 2.9 miles northeast of Trenton to junction KY 181, 1.5 miles south of US 68 in Elkton (Todd County).
- KY 1754
A - From the junction with KY 53, 0.9 mile north of Willisburg via Pulliam to junction KY 458 near Chaplin (Washington-Nelson Counties).

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- KY 1755
A - From the junction with KY 1757 (Polk Street) in Columbus to west city limits of Columbus (Hickman County).
- KY 1756
A - From the junction with KY 92, 1.3 miles southeast of Coopersville via Rockybranch to a point 0.3 mile south of Phillips Road (Wayne County).
- KY 1757
A - From the junction with KY 80 in Columbus to KY 58 (Hickman County).
- KY 1758
A - From the junction with KY 194, 1.6 miles east of KY 1499 via Simers to junction KY 632, 4.0 miles south of Kimper (Pike County).
- KY 1759
A - From the junction with KY 1125, 0.6 mile north of KY 166 to junction KY 1706, 1.096 miles east (Fulton County).
- KY 1760
A - From the junction with US 23 at Georges Creek Bridge via Charley, Noris, Ledocio to the junction with KY 32 at Adams (Lawrence County).
- KY 1761
A - From the junction with KY 22 at the west city limits of Owenton to junction county road at Cull (Owen County).
- KY 1762
A - From the junction with High Street in Hazard via Lovern Street, Davis Street, Craig Street, Oakhursts Avenue and Skyline Drive to LaCitadel Motel (Perry County).
- KY 1763
A - From the junction with US 45, 3.3 miles northeast of Water Valley to a bridge 0.3 mile south of Roper (Graves County).
- KY 1764
A - From the junction with KY 80 in Arlington via Walnut and Fourth to US 51 (Carlisle County).
- KY 1765
A - From the junction with KY 1275 at Oak Grove Church to Lake Cumberland at Conley Bottom Dock (Wayne County).
- KY 1766
A - From the junction with KY 7, 0.8 mile southeast of Swamp-ton to Gypsy (Magoffin County).
- KY 1768
A - From the junction with KY 28, 1.2 miles south of Cowcreek to junction KY 2024, 1.0 mile north of Ricetown (Owsley County).
- KY 1769
A - From the junction with US 25 in London via Moren Road to Daniel Boone Parkway (Laurel County).
- KY 1770
A - From the junction with US 150, 3.5 miles southeast of Stanford via Sugar Grove to junction KY 643, 0.3 mile west of Crab Orchard (Lincoln County).
- KY 1771
A - From Bourbon County line to junction KY 36 at Colville (Harrison County).
- KY 1772
A - From the junction with KY 80 at the southwest city limits of Arlington to junction KY 58, 3.3 miles southeast of Columbus (Carlisle-Hickman Counties).
- KY 1773
A - From the junction with KY 2, 0.6 mile southwest of the Greenup County line to a point 2.517 miles northwest of the beginning (Carter County).
- KY 1774
AAA - From the junction with 2nd Street in LaCenter, via Oak Street, to US 60 (Ballard County).
A - From the junction with KY 358 in LaCenter via Olive, 3rd and Oak Sts. to 2nd Street.
- KY 1775
A - From the junction with KY 696, 1.8 miles east of US 127 to junction KY 350, 0.8 mile east of east city limits of Albany (Clinton County).
- KY 1776
A - From the junction with US 60 in Barlow via Main and Railroad Sts. to Oak Street (Ballard County).
- KY 1777
A - From the junction with KY 1214 at Broad Ford to a point 2.424 miles toward Wax (Grayson County).
- KY 1778
A - From the junction with KY 501, 1.0 mile northeast of Kings Mountain to junction KY 698, 1.2 miles south of Geneva (Lincoln County).
- KY 1779
A - From the junction with KY 1871, 2.0 miles east of Shelbyville to junction KY 1005 at Hatton (Shelby County).
- KY 1780
A - From the junction with KY 221, 1.2 miles east of the Bell County line via Saylor to junction US 421 at Asher (Harlan-Leslie Counties).
- KY 1781
A - From the junction with US 27, 1.5 miles south of KY 501 via Broughtontown to junction KY 643 at Mt. Olive Church (Lincoln County).
- KY 1782
A - From the junction with KY 473 near Needmore to McCracken County line approximately 1.0 mile north of KY 358 (Ballard County).
- KY 1783
A - From the junction with US 25E at west side of I-75, north of Corbin in Laurel County to junction Old City Dam Road.
- KY 1784
A - From the junction with KY 1659, via Coffee Tree Road and Old Glenns Creek Road, to junction US 60 in Frankfort (Franklin County).
- KY 1785
A - From the junction 181 near Tyewhoppety in Todd County, via Jason Ridge Road to junction KY 1293, 1.2 miles southwest of Agness (Logan County).
- KY 1786
A - From the junction with KY 1617 at Roundstone, via Wildie P. O. to the Dry Branch Road (Rockcastle County).
- KY 1787
A - From the junction with KY 1617 near Madison County line to junction KY 1912, 0.5 mile south of Climax (Rockcastle County).
- KY 1789
AA - From the junction with US 460 at Nelse to Fishtrap Dam (Pike County).
- KY 1790
AA - From the junction with KY 53 south of I-64 Interchange near Shelbyville to extending east 2.037 miles.
A - From a point 1.037 miles east of KY 53 to junction KY 714.
- KY 1791
A - From the junction with US 60 in Kevil via Wallace and Main to junction KY 473 (Ballard County).
- KY 1792
A - From the junction with KY 140 at Poverty to junction KY 136, 2.0 miles northwest of Calhoun (McLean County).
- KY 1793
AAA - From the junction with US 42, 1.2 miles southwest of Goshen in Oldham County to junction KY 3222 Harmony Village.
- KY 1794
A - From the junction with US 31E east of Hodgenville to junction KY 470 at Leafdale (Larue County).
- KY 1795
AA - From the junction with KY 44 at Little Mount in Spencer County to Little Beech Creek Bridge.
A - From Little Beech Creek Bridge to junction KY 636 in Mt. Eden.
- KY 1796
A - From the junction with KY 458, 0.7 mile north of KY 433 via

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- Pulliam to approximately 290 feet south of south end of Chaplin River Bridge (Washington County).
- KY 1797
 A - From the junction with KY 1912, 3.3 miles south of Climax to junction Crooked Creek Road, 0.8 mile south of Johnetta (Rockcastle County).
- KY 1798
 A - From the junction with KY 70 at Acton to junction KY 70, 1.0 mile northwest of Casey County line (Taylor county).
- KY 1799
 A - From the junction with KY 70, 1.2 miles northeast of Elkhorn to junction US 68 near northeast city limits of Campbellsville (Taylor County).
- KY 1800
 A - From the junction with KY 94 in Lynnville extending east for 0.220 mile (Graves County).
- KY 1801
 A - From the junction with US 68 at Fairview in Christian County, via C.E. Horn Road to the Todd County line.
- KY 1802
 A - From the junction with KY 104, 0.5 mile south of Trenton to junction KY 104 at Hammackville (Todd County).
- KY 1803
 A - From the junction with KY 229, 0.3 mile northeast of Jarvis Store via Crane Nest and Marydell to junction KY 80 at Bush (Laurel-Knox County).
- KY 1804
 A - From the junction with US 25W at Saxton to junction US 25W north of Jellico (Whitley County).
- KY 1805
 A - From the junction with KY 52, 2.2 miles east of Danville to junction KY 34, 1.7 miles northeast of Danville (Boyle County).
- KY 1806
 A - From the junction with US 45 in Wingo via High Street to Lebanon Street (Graves County).
- KY 1807
 A - From the junction with KY 80 at Wooton to junction county road near Hendrix School (Leslie County).
- KY 1808
 AAA - From the junction with KY 3106 near Steubenville to junction KY 90, a distance of 0.14 mile (Wayne County).
 A - From the junction with KY 3106 near Steubenville to a point 0.9 mile southeast of the beginning (Wayne County).
- KY 1809
 A - From the junction with KY 11 at King to junction KY 92, 0.6 mile southeast of Carpenter (Knox-Whitley Counties).
- KY 1810
 A - From the junction with KY 229 at Knox County line to junction Ky 830, 1.3 miles southwest of Fletcher (Laurel County).
- KY 1811
 A - From the junction with KY 1148, 0.7 mile west of Tillie to junction KY 15 at Van (Letcher County).
- KY 1812
 AA - From the junction with KY 191 at Stillwater in Wolfe County to junction KY 205, 2.0 miles north of Vancleve.
 A - From the junction with KY 15 at Quicksand to junction KY 205.
- KY 1814
 A - From the junction with KY 94, 0.9 mile west of the Callo-way County line to a point 1.5 miles north of the beginning (Graves County).
- KY 1815
 A - From beginning of state maintenance, 1.7 miles west of US 31W to junction US 31W at Radcliffe, 0.2 mile south of Spring Road (Hardin County).
- KY 1816
 A - From the junction with KY 144 at Flaherty to the Fort Knox Reservation (Meade County).
- KY 1817
 A - From the junction with KY 329, 0.8 mile northwest of Brownsboro to junction KY 146 at Buckner (Oldham County).
- KY 1818
 A - From the junction with KY 1408, 0.8 mile east of Floyds-burg to junction KY 1315, 2.0 miles south of Ballardsville (Oldham County).
- KY 1819
 A - From the junction with KY 1531, 0.5 mile south of Routt via Seatonville, Jeffersontown to junction US 60 in Middletown (Jefferson County).
- KY 1820
 A - From the junction with US 62 at Cunningham via Melber to junction US 45, 0.3 mile south of McCracken County line (Carlisle, McCracken and Graves Counties).
- KY 1821
 A - From the junction with KY 80 east of Mayfield to the Graves County Airport (Graves County).
- KY 1822
 A - From KY 37 at Hankla to junction US 68 at Nevada (Boyle-Mercer Counties).
- KY 1823
 A - From the junction with KY 84, 2.2 miles east of White Mills to junction KY 1375, 1.7 miles south of Star Mills (Hardin County).
- KY 1825
 A - From the junction with KY 781 west of Harmony Church to junction KY 1529, 2.8 miles east of Moscow (Hickman County).
- KY 1826
 A - From the junction with KY 123 near Oakton, via Kane Street, Blair Street and Depot Street in Clinton to the junction with US 51 in Hickman County.
- KY 1827
 A - From the junction with KY 728, 0.5 mile south of Cub Run via Bee, Demunbruns Store to Nolin River Lake at Brier Creek Boat Ramp (Hart-Edmondson Counties).
- KY 1828
 A - From the junction with US 641 at Tobacco to junction KY 893, 3.4 miles south of Harris Grove (Calloway County).
- KY 1829
 AAA - From the junction with US 42 southwest of Florence in Boone County to junction KY 1303 northwest of Independence in Kenton County.
 A - From the junction with KY 1303 at the northwest city limits of Independence to junction KY 17 near the north city limits of Independence.
- KY 1830
 A - From the junction with US 45, 1500 feet north of Mayfield Bypass to the junction with KY 121, northwest of Mayfield in Graves County.
- KY 1831
 A - From the junction with KY 144, one and three-tenths (1.3) miles east of Ensor, via the Mt. Zion Road and Wrights Landing Road to the junction with US 60 at Pates in Daviess County.
- KY 1832
 A - From the junction with KY 1607, 0.8 mile south of Hardin County line to US 31E, 2.4 miles northeast of Hodgenville (Larue County).
- KY 1833
 A - From the junction with KY 28, 4.2 miles west of Chavies to Buckhorn Lake State Resort Park (Perry County).
- KY 1834
 A - From the junction with KY 208, 3.0 miles northeast of Campbellsville to a point 1.857 miles east of the beginning (Taylor County).
- KY 1835
 A - From the junction with KY 138, 1.5 miles northwest of Slaughters, via Hickory Thicket Road to junction KY 495, 0.8 mile southwest of Breton (Webster County).

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- KY 1836
A - From the junction with KY 893 at Salem Church via Coldwater, Backsburg to junction KY 80 at Brewers (Calloway-Marshall Counties).
- KY 1837
A - From the junction with KY 802 in Blandville via Lovelaceville to junction KY 1322, 1.5 miles east of US 62 (Ballard-McCracken Counties).
- KY 1838
A - From the junction with KY 754 at southeast property limits of L.G. & E. Power Plant to junction KY 625 (Trimble County).
- KY 1839
A - From the junction with Barnes Street in Water Valley via Hubbard and Jackson Sts. to old KY 94 at southeast city limits (Graves County).
- KY 1840
AAA - From the junction with KY 89 at North Irvine to the Old Stump Road, 0.354 miles west of KY 89 (Estill County).
- KY 1841
A - From the junction with Hubbard Street in Water Valley via Water Valley to a point 275 feet southwest of Chalmers to (Graves County).
- KY 1842
A - From the junction with US 62 in Leesburg via Connersville to junction KY 36 at Breckinridge (Harrison County).
- KY 1843
A - From the junction with US 68, one-half (0.5) mile west of Fairview, via the Vaughns Grove -Fairview Road to the junction with KY 508 in Christian County.
- KY 1844
A - From the junction with KY 144, 2.2 miles southeast of Andyville to junction KY 288, 4.097 miles northeast of the beginning (Meade County).
- KY 1845
AAA - From the junction with US 27, 1.5 miles northeast of Toddville in Garrard County to junction Rock Quarry Road 2.0 miles west of US 27.
A - From the junction with Rock Quarry Road to junction Polly Bend Road.
- KY 1846
A - From the junction with US 31W north of Horse Cave to the Barren County line (Hart County).
- KY 1847
A - From the junction with KY 1389, 0.6 mile southwest of Hawesville to junction KY 271 (Hancock County).
- KY 1848
A - From the junction with KY 362, 0.9 mile east of Todds Point via Simpsonville to junction KY 55 near Finchville (Shelby County).
- KY 1849
A - From the junction with US 31W via Moorman Road to junction KY 1230 (Jefferson County).
- KY 1850
A - From the junction with KY 66 near Phillips Fork Bridge to junction Asher-Saylor Road 0.7 mile north of Warbranch (Clay-Leslie Counties).
- KY 1851
A - From the junction with KY 1450 westerly crossing over Kentucky Turnpike to frontage road on west side thence north covering all of frontage road (Jefferson County).
- KY 1852
A - From the junction with KY 305, 0.5 mile east of US 60 to US 60 at KY 724 (McCracken County).
- KY 1853
AAA - From the junction with KY 17 north of Falmouth to entrance to Griffin Fertilizing Plant, a distance of 1.2 miles (Pendleton County).
A - From entrance to Griffin Fertilizing Plant extending northwest 0.237 to landfill entrance.
- KY 1854
A - From the junction with KY 88, 3.1 miles east of US 31W to junction US 31E at Canmer (Hart County).
- KY 1855
A - From the junction with US 31E at Cedar Springs to junction KY 98 at Maynard (Allen County).
- KY 1856
A - From the junction with KY 243, 0.6 mile north of the Casey County line via Mitchellsburg to junction US 150 in Perryville (Boyle County).
- KY 1857
A - From the junction with KY 91 near Scottsburg to Millwood Creek Bridge (Caldwell County).
- KY 1858
A - From the junction with US 62 approximately 4.9 miles ne of Bardstown to junction KY 55, 0.8 mile northwest of Washington County line (Nelson County).
- KY 1859
A - From the junction with KY 70, 2.1 miles northwest of Clementsville to junction KY 1547 at Pleasant Grove Church (Casey County).
- KY 1860
A - From the junction with KY 63, 2.3 miles southwest of Tompkinsville to junction county road at Harlan Crossroads (Monroe County).
- KY 1861
AA - From the junction with KY 322 at Smithfield in Henry County to junction KY 22, 0.5 mile east of the Henry-Oldham County line.
A - From the junction with KY 22 at Smithfield to junction KY 55, 1.5 miles south of New Castle.
- KY 1862
A - From the junction with Cram Creek Road, 1.119 miles east of Mayking via Mayking, Farraday and Lucastown to junction KY 931 at Polly (Letcher County).
- KY 1863
A - From the junction with US 45 in Hickory via Kimble Street to Broadway west of I.C.Railroad (Graves County).
- KY 1864
A - From the junction with Broadway in Hickory via Sophie to a proposed street 0.200 mile south of beginning (Graves County).
- KY 1865
AAA - From the junction with KY 841, via New Cut Road and Taylor Blvd. to junction US 60A (Berry Blvd.) in Louisville.
A - From the junction with KY 2055 near South Park, via New Cut Road, to junction KY 841.
- KY 1866
a - From the junction with KY 84 at White Mills to junction KY 720, 1.8 miles east of Grayson County line (Hardin County).
- KY 1867
A - From the junction with KY 825 approximately 4.0 miles southeast of Oil Springs to a point 1.056 miles southeast of the beginning (Johnson County).
- KY 1868
A - From the junction with KY 1136, 1.2 miles southwest of Glendale to junction KY 720 approximately 3.4 miles southwest of Sonora (Hardin County).
- KY 1869
A - From the junction with US 45 in Hickory via Broadway to west side of ICG Railroad tracks (Graves County).
- KY 1870
A - From the junction with KY 80 at west city limits of Russell Springs to junction Breeding Road (Russell County).
- KY 1871
A - From the junction with US 60 approximately 2.1 miles east of Courthouse in Shelbyville to junction KY 1005 near KY 43 (Shelby County).
- KY 1872
A - From the junction with KY 1183, 1.2 miles east of Manton to the Fredericktown-Bardstown Road in Fredericktown

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- (Washington County).
- KY 1873
A - From the junction with US 62 approximately 0.3 mile west of Chaplin to junction KY 1066, 3.322 miles north of US 62 (Nelson County).
- KY 1874
A - From the junction with KY 227 near Owen County line to KY 227 near Minorsville (Scott County).
- KY 1875
A - From the junction with KY 512 approximately 1.7 miles west of Alton Station to Avenstoke Road at Avenstoke (Anderson County).
- KY 1876
A - From the junction with US 27, 5.2 miles northwest of Paris via Elizabeth Station and Jimtown to junction KY 353, 0.4 mile south of Lemons Mill Road (Bourbon-Fayette Counties).
- KY 1879
A - From the junction with US 68 at the east city limits of Millersburg to junction KY 32, 0.5 mile west of Harrison County line (Bourbon County).
- KY 1880
A - From the junction with KY 90 approximately 0.6 mile southeast of Burkesville to KY 90, 0.2 mile west of Clinton County line (Cumberland County).
- KY 1881
A - From the Tennessee state line, via Barkers Mill Road, to the junction with KY 1453, one and one-half (1.5) miles east of Saint Elmo in Christian County.
- KY 1882
A - From the junction with US 60 approximately 1.0 mile west of Grahamton to junction KY 1600, 5.0 miles northwest of Rineyville (Meade-Hardin Counties).
- KY 1883
A - From the junction with KY 330, 1.2 miles east of KY 227 via Breck to junction KY 607, 1.8 miles west of Natlee (Owen County).
- KY 1884
A - From the junction with KY 40, 3.5 miles northwest of Inez via Milo to junction KY 3, 4.0 miles of Inez (Martin County).
- KY 1885
A - From the junction with KY 664 at Neosho to KY 591 at Prices Mill (Simpson County).
- KY 1886
A - From the junction with Noland Creek Road, via Fox Road, Ivory Hill-Bogie School Road and Cressy Road, to junction Palmer-Cressy Road at Iron Mound (Estill County).
- KY 1887
A - From the junction with KY 131 in Reidland via Park Road to US 62 (McCracken County).
- KY 1888
AAA - From the junction with KY 114, 2.3 miles west of Magoffin-Floyd County line to junction Ivy Creek Road at Ivyton, 0.4 mile south.
A - From the junction with Ivy Creek Road at Ivyton to junction KY 114 at Burning Fork.
- KY 1889
A - From the junction with KY 453 east of Lucas Store, via Heater Store-Harvey Road to the junction with the Smithland-Tiline Road in Livingston County.
- KY 1890
A - From the junction with KY 121 approximately 6.5 miles southeast of Mayfield to KY 303 approximately 3.5 miles south of Mayfield (Graves County).
- KY 1891
A - From the beginning of state maintenance at the US Army Corps of Engineers boundary at Lake Barkley, via Old Canton-Linton Road to the junction with KY 164 southeast of Canton in Trigg County.
- KY 1892
AAA - From the junction with US 27 in Newport to junction Grand Avenue.
- AA - From the junction with Grand Avenue in Newport to junction KY 1120 in Fort Thomas.
- KY 1893
AA - From the junction with US 68 near Millersburg in Bourbon County to junction KY 1940 in Ruddels Mills.
A - From the junction with KY 1940 at Ruddels Mills to junction US 27 near the Harrison County line.
- KY 1894
A - From the junction with US 68 approximately 2.0 miles northeast of Marion County line to junction US 68 approximately 1.5 miles southwest of Perryville (Boyle County).
- KY 1895
AAA - From the junction with KY 32 at the Fleming-Rowan County line extend northwest 2.9 miles to the Nuclear Engineering Plant entrance in Fleming County.
A - From the Nuclear Engineering Plant entrance, via Maxey Flats Road to junction KY 158 at Ringos Mills (Fleming County).
- KY 1896
AA - From the junction with US 127 in Boyle County near the Mercer County line to junction KY 33, 0.6 mile south of Mercer County line.
- KY 1897
A - From the junction KY 408 near Hamlet Church to KY 1445, 1.0 mile northwest of Olive (Marshall County).
- KY 1899
A - From the junction with KY 55 at Eminence, via Mulberry Pike, to the Shelby County Line (Henry County).
- KY 1900
A - From the junction with KY 1262, 1.8 miles southeast of Peaks Mill to junction US 127, 1.2 miles northeast of Frankfort (Franklin County).
- KY 1901
A - From the junction with US 60, northeast of Marion, via Seminary Loop Road to the junction with KY 654 in Crittenden County.
- KY 1902
A - From the junction with KY 344 at Foxport to KY 559, 3.5 miles west of Petersville (Fleming-Lewis Counties).
- KY 1903
AAA - From the junction with US 62 at Rockport extending northerly to the River Terminal approximately 1.0 mile.
A - From the River Terminal approximately 1.0 mile north of US 62, to KY 85, 1.3 miles south of Center-town (Ohio County).
- KY 1904
A - From the junction with US 62, 2.5 miles southwest of Elizabethtown to junction KY 222, 2.0 miles northwest of Glendale (Hardin County).
- KY 1905
A - From the junction with KY 120, east of Marion via the Wilson Farm Road to a point two and eight tenths (2.8) miles northeast of KY 120 in Crittenden County.
- KY 1906
A - From the junction with KY 470 north of Magnolia to KY 61 at Mt. Sherman (Larue County).
- KY 1907
A - From the junction with KY 94 east of Cayce to KY 781 near Hickman County line (Fulton County).
- KY 1908
A - From the junction with KY 94 south of Western to junction KY 971 (Fulton County).
- KY 1909
A - From the junction with KY 94, 1.0 mile west of US 51 to junction KY 166 near Palestine Church (Fulton County).
- KY 1910
A - From the junction with KY 3297 near Grayson to junction KY 1 at Pactolus (Carter County).
- KY 1911
A - From the junction with US 62 in Dawson Springs via Main

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- KY 1912 Hall, Locust and Walnut Sts. to KY 109 (Hopkins County).
- A - From the junction with KY 1004 at Orlando to junction US 421, 0.2 mile southeast of Morrill (Rockcastle-Jackson Counties).
- KY 1913 A - From the junction with KY 565, 2.0 miles east of KY 61 to junction KY 55 at Coburg (Adair-Green Counties).
- KY 1914 A - From the junction with KY 189, 2.6 miles southwest of the Muhlenberg County line to junction KY 800, 3.0 miles east of Crofton (Christian County).
- KY 1915 A - From the junction with US 127, 1.8 miles southeast of Mercer County line to junction US 68, 0.3 mile southwest of Harrodsburg (Boyle-Mercer Counties).
- KY 1917 A - From the Shady Grove Road near the Caldwell County line, to the junction of KY 120 in Crittenden County.
- KY 1918 A - From the junction with KY 444 at Hamlin to waters edge at Kentucky Lake (Calloway County).
- KY 1919 A - From the junction with KY 144 at Andyville to junction KY 886 (Meade County).
- KY 1920 A - From the junction with US 150 in Perryville, via Stewart to junction KY 442 at the Mercer-Washington County line (Boyle-Mercer Counties).
- KY 1921 A - From the junction with KY 720, approximately 4.4 miles southwest of Sonora to KY 224, approximately 1.0 mile west of Upton (Hardin County).
- KY 1922 A - From the junction with KY 12 at Jacksonville to US 421 at Defoe (Shelby-Henry Counties).
- KY 1923 A - From the junction with KY 627 in Winchester via Flanagan, Becknerville, and the Combs Ferry Road to junction US 60 (Clark-Fayette Counties).
- KY 1924 AA - From the junction with Ford-Hampton Road at Ford in Clark County to junction KY 418 near north end of Boonesborough Bridge.
- KY 1925 A - From boat ramp on Big Bone Creek to junction KY 536 at Hueys Corner (Boone County).
- KY 1926 A - From the junction with KY 1254 near east city limits of Cumberland to Kingdom Come State Park boundary (Harlan County).
- Ky 1927 A - From the junction with KY 627 in Winchester via Pine Grove, Princetown, Cadentown to junction KY 4, 1.0 mile north of US 25 (Clark-Fayette Counties).
- KY 1929 A - From the junction with KY 680 at East McDowell extending southeast to Buckhorn Fork Road (Floyd County).
- KY 1930 A - From the junction with KY 177 at Decoursey via Springlake to junction KY 177 near Ryland Heights (Kenton County).
- KY 1931 AAA - From the junction with Terry Road (KY 1934) southwest of Louisville to junction Algonquin Parkway (KY 2054) in Louisville.
- A - From the junction with Lower River Road (KY 1230) at Greenwood to junction Terry Road.
- KY 1932 AAA - From the junction with US 42, northeast of Louisville, via Chenoweth and Breckinridge Lanes to junction KY 155 near the east city limits of Louisville.
- A - From the junction with US 31E, southeast of Buechel to junction KY 155.
- KY 1933 A - From the junction with KY 1110, 1.0 mile southwest of Wolfe Coal to Talbert (Breathitt County).
- Ky 1934 AAA - From the junction with KY 1931 at Greenwood Road southwest of Louisville to junction US 31W at South 22nd Street in Louisville.
- A - From the junction with Johnstontown Road to junction KY 1931 at Greenwood Road.
- KY 1935 A - From the junction with KY 1372, 1.4 miles east of US 62 to junction with KY 1371, 0.5 mile south of KY 408 (Carlisle County).
- KY 1936 A - From the junction with US 27 at Grants Lick to junction KY 10 near the Kenton County line (Campbell County).
- KY 1937 A - From the junction with KY 3 approximately 1.7 miles south of I-64 to junction KY 707, 1.7 miles northwest of Buchanan (Boyd-Lawrence Counties).
- KY 1938 A - From the junction with KY 11 approximately 1.0 mile southwest of Booneville to junction KY 847 at Scoville (Owsley County).
- KY 1939 A - From the junction with US 27 at Piper, 1.1 miles north of Fayette County line via Paris-Bethlehem Road, Hume, Bedford to junction KY 353 near Loradale (Bourbon-Fayette Counties).
- KY 1940 AA - From the junction with US 68 near northeast city limits of Paris to Bourbon-Harrison County line and from junction KY 36, 1.5 miles east of Cynthiana to Harrison-Bourbon County line.
- KY 1941 A - From the junction with KY 390 at Duncan via Cornishville, Dixville to junction US 68, 1.0 mile southwest of Nevada (Mercer-Boyle Counties).
- KY 1942 A - From the junction with KY 467 near Folsom via Elliston, Mt. Zion to junction KY 491, 0.2 mile north of Grant County line (Grant-Gallatin-Boone Counties).
- KY 1943 A - From the junction with KY 295, approximately 0.8 mile southeast of Crittenden County line to junction US 641, 2.5 miles north of Eddyville (Lyon County).
- KY 1944 A - From the junction with KY 36, approximately 2.0 miles northwest of Owingsville to junction KY 111, 0.9 mile west of Wyoming (Bath County).
- KY 1945 A - From the junction with KY 854 at Garner to junction KY 773 at Mayhew (Boyd County).
- KY 1946 A - From the junction with KY 465, 0.5 mile north of I-71 to Vera Cruz Road (Gallatin County).
- KY 1947 AA - From the junction with KY 1 near north side of I-64 Interchange, north of Grayson to junction US 60, 2.0 miles west of Grayson.
- KY 1948 A - From the junction with KY 643 at Ottenheim to junction KY 1781 near Buck Creek (Lincoln County).
- KY 1949 A - From the junction with KY 80, 2.6 miles west of Hardin via Harvey, Oak Level to junction KY 348, 0.6 mile east of Symsonia (Marshall-Graves Counties).
- KY 1950 A - From the junction with KY 1693, 0.4 mile south of Dan to

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- junction KY 772, 3.3 miles north of US 460 at Ezel (Menifee-Morgan Counties).
- KY 1951
A - From the junction with KY 1159 north of Woolcott to junction KY 1019, 1.3 miles southeast of Foster (Bracken County).
- KY 1952
A - From the junction with KY 768, 2.1 miles northwest of Chance to Change (Adair County).
- KY 1953
A - From the junction with KY 1010, 0.8 mile north of Mountain Parkway to junction KY 1419, 0.10 mile north of Mountain Parkway (Wolfe County).
- KY 1954
AAA - From the junction with KY 284 (Bridge Street) near the east city limits of Paducah, via Husband Road, to south side of I-24 Interchange.
A - From the junction with south side of I-24 Interchange to junction KY 348, southeast of Freemont.
- KY 1955
A - From the junction with US 421, approximately 3.5 miles southeast of Rockcastle County line via Eglon, Jep Hill to junction KY 490 in Livingston (Jackson-Rockcastle Counties).
- KY 1956
A - From the junction with KY 80 at Squib to junction KY 80 west of London (Pulaski-Rockcastle-Laurel Counties)
- KY 1957
AAA - From the junction with US 60, 3.7 miles east of Lewisport to junction Lee Henderson Road (CR 1320), 1.722 miles north of US 60.
A - From the junction with Lee Henderson Road to junction KY 1605 (Hancock County).
- KY 1958
AAA - From the junction with I-64, west of Winchester to junction KY 627 south of Winchester.
A - From the junction with I-64, west of Winchester to a point 0.09 mile north of KY 2888 (Rockwell Road).
- KY 1959
A - From the junction with KY 7 near Lindsey Chapel to junction KY 1947 (Carter County).
- KY 1960
A - From the junction with KY 15 near east city limits of Winchester via Schollsville, Kiddville to junction KY 646 near Montgomery County line (Clark County).
- Ky 1961
A - From the junction with US 60, 3.0 miles northeast of Winchester to junction Stoner road at Wades Mill (Clark County).
- KY 1962
A - From the junction with US 62 in Georgetown via Lemons Mill Road to junction KY 353, 2.5 miles north of Russell Cave (Scott-Fayette Counties).
- KY 1963
A - From the junction with US 25, 0.1 mile south of Fayette County line to junction KY 1962 near I-75 (Fayette-Scott Counties).
- KY 1964
A - From the junction with KY 1659 near Millville School via Clifton, Versailles, McCowans Ferry Road to Old Ferry Landing at Kentucky River (Woodford County).
- KY 1965
A - From the junction with KY 1964, 1.0 mile west of Mortonsville, via Mortonsville, None such to the junction with KY 33, 0.8 mile west of Jessamine County line (Woodford County).
- KY 1966
A - From the junction with KY 1267, 0.5 mile west of US 68 via Little Texas to junction KY 1967, 0.7 mile west of Fayette County line (Fayette-Woodford Counties).
- KY 1967
A - From the junction with KY 169, 1.0 mile north of Pinckard via Pisgah to junction KY 1681, 0.6 mile west of Faywood (Woodford County).
- KY 1968
A - From the junction with US 60, 0.4 mile east of Woodford County line to junction US 60 near west city limits of Lexington (Fayette County).
- KY 1969
A - From the junction with US 60 near Fort Springs to junction KY 1681, 2.5 miles west of Woodford County line (Fayette County).
- KY 1970
A - From the junction with KY 57 at Bryan Station to junction KY 1939 near Hutchinson (Fayette-Bourbon Counties).
- KY 1971
A - From the junction with KY 1355, approximately 2.7 miles east of Bourne to junction KY 563, 0.5 miles northwest of Stone (Garrard County).
- KY 1972
A - From the junction with KY 39, 0.9 mile southeast of Lancaster to junction KY 52, 0.9 mile west of Manse (Garrard County).
- KY 1973
AAA - From the junction with KY 922, north of Lexington via iron Works Pike to west entrance to Kentucky Horse Park.
A - From the junction with US 25, 1.8 miles south of Athens in Fayette County to junction KY 922 north of Lexington; and from west entrance to Kentucky Horse Park to junction US 460 at White Sulphur (Fayette-Scott Counties).
- KY 1974
AAA - From Euclid Avenue in Lexington via Bates Creek Road to junction Armstrong Mill Road south of Lexington.
A - From the junction with Armstrong Mill Road to junction KY 169 at Spears (Fayette County); and from junction US 27 at Bolivar Street in Lexington to Euclid & High Streets.
- KY 1975
A - From the junction with KY 169 at Spears to junction US 25 near Bentley Memorial Church (Fayette County).
- KY 1976
A - From the junction with KY 1975, 1.65 miles northeast of Spears to Dry Branch Road (Fayette County).
- KY 1977
A - From the junction with KY 1681, northwest of Lexington, via Yarnallton and Spurr Roads to junction US 25 near Linlee School (Fayette County).
- KY 1978
AAA - From the junction with US 421, northwest of Lexington via Greendale Pike to junction KY 1652.
A - From the junction with KY 1652 to junction KY 1977 at Greendale (Fayette County).
- KY 1979
A - From the junction with US 68 in Hopkinsville via 7th Street to KY 507 (Christian County).
- KY 1980
A - From the junction with US 68, 0.9 mile south of Fayette County line via Providence to junction KY 1974 (Jessamine County).
- KY 1981
A - From the junction with KY 1541 near Hickman Creek via Logana, the Logana Road and East Hickman Road to junction KY 1974 at the Fayette County line (Jessamine County).
- KY 1982
A - From the junction with KY 355 at Perry Park to junction KY 22, 3.5 miles southwest of Owenton (Owen County).
- KY 1983
A - From the junction with KY 595 at Middletown via Whites to junction US 25, 2.7 miles north of north city limits of Berea (Madison County).
- KY 1984
A - From the junction with KY 169 at Million to junction Silver

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- Creek Road 0.2 mile west of Newby School (Madison County).
- KY 1985
A - From the junction with KY 169, 1.9 miles north of Million to junction of county road at Baldwin Madison County).
- KY 1986
A - From the junction with KY 388, 1.0 mile north of north city limits of Richmond via Union City to a point 0.6 mile north of Doylesville at junction Sandy Ridge Road (Madison County).
- KY 1987
A - From the junction with KY 1160 at Terrapin via Kirkwood and Salvisa to junction US 127 at the Anderson County line (Mercer County).
- KY 1988
A - From the junction with US 1160 at Terrapin to junction Miller Dean Road, approximately 2.1 miles east of Ebenezer (Mercer County).
- KY 1989
A - From the junction with KY 1941 in Cornishville via Harrodsburg to junction Banta Lane (Mercer County).
- KY 1990
A - From the junction with KY 11, 0.8 mile south of Hinkston Creek to junction KY 537 near Bourbon County line (Montgomery County).
- KY 1991
A - From the junction with US 460 near north city limits of Mt. Sterling to junction of county road near Stoops (Montgomery County).
- KY 1992
A - From the junction with US 42, 3.8 miles southwest of Boone County line to end of state maintenance near the Boone County line (Gallatin County).
- KY 1993
A - From the junction with US 25, 4.6 miles north of Corinth via Lawrenceville to junction KY 22 at Holbrook (Grant County).
- KY 1994
A - From the junction with US 25 at Sherman to junction KY 1942 near Mt. Zion (Grant County).
- KY 1995
A - From the junction with KY 36, approximately 4.0 miles west of Williamstown via Heekin to junction KY 1993 in Lawrenceville (Grant County).
- KY 1996
A - From the junction with KY 8, 2.4 miles south of Oneonta to junction KY 1121 (Campbell County).
- KY 1997
A - From the junction with KY 10, approximately 1.5 miles southeast of Alexandria to junction KY 547 near Camp Springs (Campbell County).
- KY 1998
AAA - From the junction with US 27 at Cold Spring in Campbell County to junction KY 8 near Brent.
A - From the junction with KY 9 near Wilders to junction US 27 at Cold Spring.
- KY 1999
A - From the junction with US 421 near Garrard, southeast of Manchester extending northeast for 1.3 miles (Clay County).
- KY 2000
A - From the junction with KY 1524, 1.8 miles south of Goose-rock via Plank to junction KY 66 near Creeksville (Clay County).
- KY 2001
A - From the junction with KY 82 at Spout Springs to junction KY 1057, 2.0 miles south of Clay City (Estill-Powell Counties).
- KY 2002
A - From the junction with KY 89 near Middleford via Parrot to junction KY 30 at Peoples (Jackson County).
- KY 2003
A - From the junction with KY 2002 at Parrot via Dabolt to junction KY 290, 1.5 miles north of KY 30 (Jackson County).
- KY 2004
A - From the junction with US 421 at Sand Gap to junction Happy Top Mountain Road at Alcorn (Jackson County).
- KY 2005
A - From the junction with KY 72 at Pathfork to junction KY 987, 0.7 mile east of the Bell County line (Harlan County).
- KY 2006
A - From the junction with KY 179 near south city limits of Cumberland to a point 5.9 miles south of south city limits of Cumberland (Harlan County).
- KY 2007
A - From the junction with KY 219 in Wallins Creek to junction US 119 near Coldiron (Harlan County).
- KY 2008
A - From the junction with KY 221 at Big Laurel via Napier, Lewis Creek to junction KY 2009, 3.0 miles north of Harlan County line (Harlan-Leslie Counties).
- KY 2009
A - From the junction with KY 221, 2.0 miles southwest of Incline via Helton to junction US 421 near Hoskinston (Harlan-Leslie Counties).
- KY 2010
A - From the junction with US 119 approximately 8.5 miles ne of Harlan to junction KY 221, 3.0 miles northeast of Incline (Harlan County).
- KY 2011
A - From the junction with KY 221 at Stoney Fork to junction KY 66 near Beverly (Bell County).
- KY 2012
A - From the junction with US 119 near Calloway, via Tejay to junction Ben Wilder Branch Road (Bell County).
- KY 2013
A - From the junction with KY 221 near Jenson to junction KY 1630 near Kettle Island (Bell County).
- KY 2014
A - From the junction with US 25E near Four Mile to Ivy Grove (Bell County).
- KY 2015
A - From the junction with US 25E in Pineville to junction KY 2014 near Four Mile (Bell County).
- KY 2016
A - From the junction with KY 52 near Street Helens to junction KY 715, 1.4 miles south of Rogers (Lee-Wolfe Counties).
- KY 2017
A - From the junction with KY 52, 0.3 mile northwest of Monica to junction KY 708, 0.7 mile southwest of Fillmore (Lee County).
- KY 2018
A - From the junction with KY 607 at Natlee to junction KY 1883, 1.2 miles north of KY 607 (Owen County).
- KY 2019
A - From the junction with US 460, 1.5 miles west of Salyersville to the junction with KY 1081, 2.3 miles east of Wonnies (Magoffin County).
- KY 2020
A - From the junction with KY 40, 0.5 mile northeast of Salyersville to junction US 460 at Mashfork (Magoffin County).
- KY 2021
AA - From the junction with KY 80 near Typo to a point 0.557 mile west of Rockhouse for (Perry County).
- KY 2022
A - From the junction with KY 848 near the Clay-Perry County line via Doorway to junction KY 28 at Buckhorn (Clay-Owsley-Perry Counties).
- KY 2023
A - From the junction with KY 1274, 2.5 miles south of Licking River to Camp Judge Layne (Menifee-Morgan Counties).

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- KY 2024
A - From the junction with Booneville-Lucky Fork Road, 0.7 mile west of Sebastian, via Ricetown, Eversole, and Bear Run Road to junction KY 30 south of Lerose (Owsley County).
- KY 2025
A - From the junction with KY 11, 0.7 mile south of Southfork extending west up White Oak Creek to junction KY 847 near Endee.
- KY 2026
A - From the junction with KY 213 near north city limits of Stanton, along Maple Street to east end of Red River Bridge (Powell County).
- KY 2027
A - From the junction with KY 746, 0.8 mile northwest of Valeria to junction KY 1010, 0.2 mile north of Morgan County line (Wolfe-Morgan Counties).
- KY 2028
A - From the junction with KY 15, approximately 3.0 miles southeast of Campton extending southwest 2.36 miles to Mary (Wolfe County).
- KY 2029
A - From the junction with KY 7, 1.8 miles southeast of Magoffin County line to junction KY 80, 7.3 miles north of Hindman (Floyd-Knott Counties).
- KY 2030
A - From the junction with KY 122 near Printer via Blue Moon to junction KY 1426, 1.3 miles northeast of Honaker (Floyd County).
- KY 2031
A - From the junction with KY 40 in Beauty to junction KY 292 near Mouth of Elk Creek (Martin County).
- KY 2032
A - From the junction with KY 40, approximately 2.5 miles west of Beauty to junction KY 1439 near Rockcastle School (Martin County).
- KY 2033
A - From the junction with KY 1884, 1.4 miles west of Milo to junction KY 1690, 1.2 miles west of Peach Orchard (Lawrence-Martin Counties).
- KY 2034
A - From the junction with US 119 near Whitesburg via Ermine to junction county road 0.3 mile north of Upper Craft Collie School (Letcher County).
- KY 2035
A - From the junction with KY 931 at Dongola to junction US 119, approximately 1.5 miles south of Ermine (Letcher County).
- KY 2036
A - From the junction with KY 7 at Letcher to junction KY 160 at Roxana (Letcher County).
- KY 2037
A - From the junction with KY 1690, 1.9 miles south of Summit extending west and north to Chapman (Lawrence County).
- KY 2038
A - From the junction with US 23, 0.8 mile north Twin Bottom Branch extending easterly 1.9 miles (Lawrence County).
- KY 2039
A - From the junction with US 460, 0.5 mile southeast of Staffordsville to junction KY 825, 1.2 miles northeast of Denver (Johnson County).
- KY 2040
A - From the junction with KY 40, 0.8 mile northeast of Williamsport to junction KY 581 near mouth of Wiley Creek (Johnson County).
- KY 2041
A - From the junction with KY 80, 2.0 miles northwest of London to junction US 25, 0.5 mile north of Pittsburg (Laurel County).
- KY 2042
A - From the junction with KY 17, approximately 4.0 miles south of Independence to junction KY 177 at Kenton (Kenton County).
- KY 2043
A - From the junction with US 25, 0.9 mile north of Bracht via KY 16, Bank Lick to junction KY 1303 at Ricedale (Kenton County).
- KY 2044
A - From the junction with KY 1303 near White Tower to junction KY 177, approximately 1.1 miles south of Ryland Heights (Kenton County).
- KY 2045
A - From the junction with KY 2044, 0.2 mile west of KY 177 via Independence to junction KY 1303, 1.3 miles southwest of Independence (Kenton County).
- KY 2046
AA - From the junction with KY 17 near Fiskburg in southern Kenton County extending northeast to junction KY 14, 0.6 mile west of KY 177 at Morning View.
A - From the junction with US 25, 0.7 mile south of Bracht to junction KY 17 near Fiskburg.
- KY 2047
A - From the junction with KY 177, 2.0 miles northwest of Ryland Heights via Oak Ridge to junction KY 1486, 1.2 miles northeast of Independence (Kenton County).
- KY 2048
AAA - From the junction with KY 155, 0.5 mile west of I-264 to intersection of Cannons Lane and Frankfort Avenue in Louisville (Jefferson County).
- KY 2049
AAA - From the junction with KY 1934, 0.3 mile south of Hartlage Court to junction US 31W in Shively (Jefferson County).
- KY 2050
A - From the junction with KY 146 in Lyndon to junction KY 22, 0.4 mile east of US 42 (Jefferson County).
- KY 2051
AAA - From the junction with Lees Lane, southwest of Louisville, via Camp Ground Road to junction KY 1934 (Cane Run Road), near the north city limits of Shively.
A - From the junction with US 31W near the south city limits of Shively to junction Lees Lane.
- KY 2052
AAA - From junction US 31E at Beuchel, via Old Shepherdsville Road to junction KY 1065 (outer loop).
- KY 2053
A - From junction US 31E at Thixton to junction KY 61, 0.7 mile north of Bullitt County line (Jefferson County).
- KY 2054
AAA - From the junction with I-264 (Shawnee Parkway) in west Louisville, via Algonquin Parkway to junction US 60 Alt. at Winkler Avenue (Mount Holly Road).
- KY 2055
A - From the junction with KY 907, 0.2 mile south of KY 1065 via Fairdale to junction KY 1020 at Coral Ridge (Jefferson County).
- KY 2056
AAA - From the junction with KY 1934 near southwest city limits of Louisville extending west to a point near Ohio River (Jefferson County).
- KY-2057
A - From the junction with KY 699 at Smilax to junction county road at Daily, 3.30 miles east (Leslie County).
- KY 2058
A - From the junction with KY 1780 near Sprucepine School to junction US 421, 0.6 mile north of Helton (Leslie County).
- KY 2059
A - From the junction with KY 194, 1.9 miles southeast of Stopover, via Woodman to junction KY 194, 1.1 miles north of Majestic (Pike County).
- KY 2061
A - From the junction with US 23, 0.7 mile south of Blair Town to junction KY 194 approximately 2.5 miles south of

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- Gulnare (Pike County).
- KY 2062
A - From the junction with KY 194 at south city limits of Phelps to junction KY 194 at Stopover (Pike County).
- KY 2063
A - From the junction with US 127, 0.4 mile ne of KY 734 to junction KY 90, 1.3 miles east of KY 558 (Clinton County).
- KY 2064
A - From the junction with KY 61, 0.5 mile northeast of Peytonburg to Hendricks Creek Boat Dock (Cumberland County).
- KY 2065
A - From the junction with KY 252, 0.3 mile southwest of Finney to Peninsula boat ramp (Barren County).
- KY 2066
A - From the junction with KY 672 to Lake Beshear Dam (Caldwell County).
- KY 2067
A - From the junction with KY 259, 0.5 mile northeast of the Grayson-Edmonson County line to Nolin River Lake (Grayson-Edmonson County).
- KY 2068
AAA - From the junction with KY 128 in Caldwell County to 500 feet south of KY 128 at entrance to Princeton Company Plant No. 1.
- KY 2069
A - From the junction with US 25, 2.0 miles south of south city limits of London to junction KY 1006, 0.3 mile south of KY 363 (Laurel County).
- KY 2070
A - From the junction with KY 7 near Load, via York to junction KY 784 at the Lewis County line (Greenup County).
- KY 2071
A - From the junction with KY 946 to KY 746 at the Wolfe County line (Menifee County).
- KY 2072
A - From the junction with KY 1833, 1.6 miles southwest of KY 28 to boat ramp at Buckhorn Lake (Perry County).
- KY 2073
A - From the junction with KY 15, 0.4 mile west of the west city limits of Stanton to junction KY 2026 (Powell County).
- KY 2074
A - From the junction with US 421 at Chevrolet to a point 0.600 mile east of the beginning (Harlan County).
- KY 2075
A - From the junction with KY 121 in Murray to junction US 641 north of Murray (Calloway County).
- KY 2076
A - From the junction with KY 687 near the east city limits of Manchester to junction to US 421 near KY 80 (Clay County).
- KY 2077
A - From the junction with KY 92 southwest of Tinsley to a point 0.8 mile southwest of the beginning (Bell County).
- KY 2078
A - From the junction with US 60 approximately 2.0 miles west of Olive Hill to junction with US 60 in Olive Hill (Old US 60) (Carter County).
- KY 2079
A - From the junction with KY 441 in Middlesboro via 19th Street, Chester Avenue, 21st Street, Winchester Avenue and 38th Street to L & N RR (Bell County).
- KY 2080
A - From the junction with KY 139 in Princeton via Old Cadiz Road to the junction with KY 91 (Caldwell County).
- KY 2081
AAA - From the junction with US 62 (North Jefferson Street in Princeton), along McGoodwin Street and Old Madisonville Road to US 62 in Princeton at Young Street.
- KY 2082
A - From the junction with KY 85, 1.1 miles northeast of Anton to the junction west KY 862, 1.0 mile northeast of KY 85 (Hopkins County).
- KY 2083
A - From the junction with US 41A in Nortonville via Main Street to the junction with US 41A, 0.6 mile north of Nortonville (Hopkins County).
- KY 2084
A - From the junction with US 41 at Powell Street in Henderson to KY 351 near Franklin Street (Henderson County).
- KY 2085
A - From the junction with KY 813 in White Plains extending south for 0.215 mile (Hopkins County).
- KY 2086
A - From the junction with KY 109, 0.1 mile south of Western Kentucky Parkway extending west of Purtytown Road (Hopkins County).
- KY 2087
A - From the junction with US 41A via Clayton Avenue to the junction with KY 132 in Dixon (Webster County).
- KY 2088
A - From the junction with east Elm Street in Clay via First and Lisman Streets to Blackburn Street (Webster County).
- KY 2089
A - From the junction with KY 143 in Blackford to a point 373.5 feet northwest of ICG RR (Webster County).
- KY 2090
A - From the junction with KY 141 to the junction with KY 758 in Pride (Union County).
- KY 2091
AAA - From the junction with US 60 in Morganfield to Union County state maintenance headquarters.
A - From Union County state maintenance headquarters, via Beaver Dam Road and Ben Harris Road to junction KY 56, southeast of Morganfield.
- KY 2092
A - From the junction with KY 109 in Sturgis via Kelsey Street to KY 923 (Union County).
- KY 2093
A - From the junction with KY 56 via American Legion Drive to American Legion Club House (Union County).
- KY 2094
A - From the junction with US 60 in Waverly via Maple Street to the junction with KY 141, southwest of Waverly (Union County).
- KY 2095
A - From the junction with KY 130 in Uniontown via Second Street to Main Street (Union County).
- KY 2096
AA - From the junction with KY 2097 in Henderson County at entrance to Big Rivers Steam Plant, extending north to the junction with KY 416.
- KY 2097
AAA - From the junction with US 41 in Henderson County, 0.3 mile north of the Webster County line, extending east to Big Rivers Steam Plant entrance.
- KY 2098
A - From the junction with US 41 in Henderson via Washington Street to a point 0.293 mile north of beginning (Henderson County).
- KY 2099
AAA - From the junction with US 41, south of Henderson to Henderson County state maintenance headquarters.
A - From Henderson County state maintenance headquarters to the junction with KY 812 near the Audubon Parkway (Henderson County).
- KY 2101
A - From the junction with KY 130 at Grove Center to the junction with KY 492 (Union County).
- KY 2103
A - From the junction with KY 70 in Central City via Center and Ash Streets to US 62 (Muhlenberg County).
- KY 2104

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- A - From the junction with KY 176 at Drakesboro via Jones Avenue and Broad Street to Drakesboro High School (Muhlenberg County).
- KY 2105
 - A - From the junction with Reynolds Street in Central City, via 8th Street to KY 277 (Muhlenberg County).
- KY 2106
 - AAA - From the junction with US 431 truck route in Central City (Reservoir Avenue) along Fairgrounds and Park Street in Muhlenberg County state maintenance headquarters.
- KY 2107
 - A - From the junction with US 431, 56 feet north of north city limits of Drakesboro via Old US 431 to the junction with US 431, 0.9 mile south of the Western Kentucky Parkway (Muhlenberg County).
- KY 2109
 - A - From the junction with KY 81, 1.4 miles north of Sacramento to the junction with KY 254 (McLean County).
- KY 2110
 - A - From the junction with KY 85 in Island via Old US 431 to KY 138, south of Livermore (McLean County).
- KY 2112
 - A - From the junction with KY 81 at south end of Green River Bridge in Calhoun to KY 138 (McLean County).
- KY 2114
 - A - From the junction with KY 69 in Haynesville extending east for 0.202 mile (Ohio County).
- KY 2115
 - A - From the junction with US 231, 0.4 mile south of Daviess County line to the junction with KY 764 (Ohio County).
- KY 2116
 - A - From the junction with KY 405, 0.5 mile south of Yelvington to the junction with KY 405, 0.8 mile south of Yelvington (Daviess County).
- KY 2117
 - A - From the junction with US 231, 1,700 feet south of US 60 bypass via Southeastern Parkway to KY 289, 1300 feet south of US 60 bypass (Daviess County).
- KY 2118
 - A - From the junction with KY 81, 1,000 feet west of US 60 bypass via Airport Road to administration building (Daviess County).
- KY 2119
 - A - In Daviess County from the junction with Crabtree Avenue, via 9th Street to Conway Avenue in Owensboro.
- KY 2120
 - A - From the junction with US 60, 0.4 mile west of Owensboro bypass to the Lee Ruby Road (Daviess County).
- KY 2121
 - A - In Daviess County from the junction with KY 2698 south of Owensboro, via Southtown Boulevard, to the junction with US 431 in Owensboro.
- KY 2122
 - A - From the junction with KY 144, 2.2 miles southeast of Thruston to KY 1389 (Daviess County).
- KY 2123
 - A - From the junction with KY 297, via Glendale Church Road, to the junction with KY 120 in Crittenden County.
- KY 2124
 - A - From the junction with KY 261, 0.2 mile northeast of Ohio County line to the junction with KY 1700 at Easton (Hancock County).
- KY 2125
 - A - From the junction with US 60 in Hawesville via Jefferson Street to Old Ferry Landing (Hancock County).
- KY 2126
 - A - From the junction with KY 181 in Elkton via Sunset Drive to Street Avenue (Todd County).
- KY 2127
 - A - From the junction with KY 1207 west of Handyville, via the Todd Bridge Road to the junction with KY 2121 at Owensboro in Daviess County.
- KY 2128
 - A - From the junction with US 41 in Tiny Town to Tennessee state line (Todd County).
- KY 2129
 - A - From the junction with Crabtree Avenue in north Owensboro, via 9th Street to Conway Avenue (Daviess County).
- KY 2132
 - A - From the junction with US 60, three and five-tenths (3.5) miles west of Marion, via Frances Road, to a point two and six-tenths (2.6) mile south of US 60 in Crittenden County.
- KY 2133
 - A - From the junction with KY 66, 0.4 mile north of Arjay to a point 0.814 mile northwest of beginning (Bell County).
- KY 2134
 - A - From the junction with KY 971, via Tyler Road, to the junction with KY 94 at Tyler in Fulton County.
- KY 2135
 - A - From the junction with KY 2136 via High Street and School Avenue to the junction with US 431 in Adairville (Logan County).
- KY 2136
 - A - From the junction with US 431 via Vine and Walnut Streets to the junction with KY 591 in Adairville (Logan County).
- KY 2137
 - A - From the junction with US 68 in Auburn via Caldwell and Maple Streets to the junction with KY 103 (Logan County).
- KY 2138
 - A - From the junction with KY 2135 in Adairville via Church Street to the junction with KY 591 (Logan County).
- KY 2139
 - A - From the Tennessee State line, via Morris Road, to the junction with KY 925 at Brownsville in Fulton County.
- KY 2140
 - A - From the junction with KY 125, via Mount Herman Road and Sylvan School Road, to the junction with KY 94 five-tenths (9.5) mile north of the Tennessee state line.
- KY 2142
 - A - From the junction with US 431 in Lewisburg via Green Street to a point 0.725 mile east (Logan County).
- KY 2144
 - A - From the junction with KY 103 in Auburn via Lincoln Street to Maple Street (Logan County).
- KY 2145
 - A - From the junction Vine Street in Adairville to the junction with Temperance Street (Logan County).
- KY 2146
 - A - From the junction with US 79 in Russellville via Nashville, 7th, Bethel and 2nd Streets to US 431 (Logan County).
- KY 2147
 - A - From the junction with KY 103 in Auburn via Walnut and Vier Streets to the junction with KY 2137 (Logan County).
- KY 2149
 - A - From the junction with KY 1909, via Thompson Fields Road to the junction with US 51 near the northwest city limits of Fulton in Fulton County.
- KY 2150
 - A - From the junction with KY 129 in Fulton County, via Curt Muzzel Road, to the Hickman County line.
- KY 2151
 - A - In Graves County from the junction with KY 339, via the New Concord Church Road, to the junction with KY 1820 at the McCracken County line.
- KY 2152
 - A - From the junction with KY 28 near Cowcreek, via Left Fork Cowcreek Road, to end of state maintenance, 1.0 mile west of KY 28 (Owsley County).
- KY 2153
 - A - From the junction with KY 141, 1.5 miles southwest of KY 56 at Boxville to Webster County line (Union County).
- KY 2156

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- A - From the junction with KY 140 in Daviess County, one and one-tenth (1.1) miles south of Cleopatra to the junction with KY 554, two-tenths (0.2) mile north of the McLean County line.
- KY 2157
 - A - From the junction with KY 764 north of Whitesville, via the McCamish Road and Roby Lease Road to the junction with KY 144 in Daviess County.
- KY 2158
 - A - From the junction with US 231 via Cumberland Trace to KY 234 (Warren County).
- KY 2159
 - A - From the junction with First Street in Bowling Green via Old US 31W to US 31W (Warren County).
- KY 2160
 - A - From the Tennessee State line, via Scottsville-Trammel Road to junction US 31E in Scottsville (Allen County).
- KY 2161
 - A - From the junction with US 231 in Morgantown via Butler Cemetery and Ward Streets to Morrison Street (Butler County).
- KY 2162
 - A - From the junction with US 231 in Morgantown via Ohio Street to Butler Street (Butler County).
- KY 2163
 - A - From the junction with Jack Hinton Road (CR 1246), via Perrytown Road to the junction with KY 100 near Walkers Chapel (Allen County).
- KY 2164
 - A - From the junction with KY 87 in Gamaliel via Holland Street to Monroe Carton Plant entrance (Monroe County).
- KY 2165
 - A - From the junction with KY 163 north of Tompkinsville via Fairgrounds Drive to National Guard Armory (Monroe County).
- KY 2166
 - A - From the junction with KY 163 in Tompkinsville via Columbia Street to KY 163 north of Tompkinsville (Monroe County).
- KY 2170
 - A - From the junction with KY 100 in Fountain Run to KY 98 near the Barren County line (Monroe County).
- KY 2172
 - A - From the junction with KY 63 at Spruce Street in Columbia via Spruce Street, Old Gamaliel Road, and Jackson Street, to the junction with Columbia Street (Monroe County).
- KY 2173
 - A - From the junction with KY 100 near Holland, via Walnut Hill Road to junction Litt Hughes Road at Walnut Hill (Allen County).
- KY 2180
 - A - From the junction with KY 1332 near Halifax, via Carl Hurt Road to junction KY 234 near Yesse (Allen County).
- KY 2181
 - A - From the junction with KY 144 at Pellville to the junction with US 60 at Hawesville (Hancock County).
- KY 2182
 - A - From the junction with KY 259 in Brownsville via Main Cross Street to Washington Street (Edmonson County).
- KY 2183
 - A - From the junction with KY 351 at Graham Hill, via Holloway-Rucker Road to junction US 60 (Henderson County).
- KY 2184
 - A - From the junction with KY 259 in Brownsville via Washington Street to a point under the Green River Bridge (Edmonson County).
- KY 2185
 - A - From the junction with KY 357, 2.0 miles northeast of US 31W to the junction with KY 569, 0.7 mile east of Hinesdale (Hart County).
- KY 2186
 - A - From the junction with US 31W in Horse Cave via Cherry Street to Western Condensing Plant (Hart County).
- KY 2189
 - A - From the junction with US 68, via Park city-Glasgow Road to the junction with US 31W near Park City (Barren County).
- KY 2191
 - A - From the junction with US 62 in Clarkson to the junction with KY 920 at Mulberry Flats Church (Grayson County).
- KY 2192
 - A - From the junction with KY 1241, via the Melber-Folsondale Road, to the junction with KY 945 near Melber in Graves County.
- KY 2193
 - A - From the junction with US 62 at Millwood to junction KY 54 near Claggett Church (Grayson County).
- KY 2194
 - A - From the junction with KY 945, via the Meridian Road and the Jerry Doyle Road, to the junction with KY 1241, one (1) mile north of Hickory in Graves County.
- KY 2195
 - A - From junction KY 70 east of Cave City, via Cave City-Bear Wallow Road to the Hart County line near Bear Wallow (Barren County).
- KY 2196
 - A - From the junction with KY 631 at Duff via Johnny Frank Road to a point 1.073 miles northeast of beginning (Grayson County).
- KY 2198
 - A - From the junction with KY 90, via Lick Branch Road to the junction with KY 1307 near Mt. Union Church (Barren County).
- KY 2199
 - A - From the junction with KY 333 at Big Spring via High via a 0.3 mile section in Hardin County and via High Plains Corner to end of state maintenance, 0.791 mile northeast of the High Plains Road (Breckinridge-Hardin Counties).
- KY 2200
 - A - From the junction with US 60 in Cloverport via Tile Plant Road to a point 0.35 mile northeast of beginning (Breckinridge County).
- KY 2201
 - A - From the junction with KY 79 near Sand Knob Church to the junction with KY 105, 0.5 mile south of KY 108 (Breckinridge County).
- KY 2202
 - A - From the junction with KY 79 in Irvington, via Luney Road to junction KY 333 (Breckinridge County).
- KY 2204
 - A - From the junction with KY 448 in Brandenburg via Main Street to the Ohio River bank (Meade County).
- KY 2205
 - A - From the junction with KY 121, southeast of Mayfield, via the Hays School Road to the junction with KY 464 in Graves County.
- KY 2206
 - A - From the junction with KY 703 north of Clinton, via Spring Hill Road to the junction with KY 288 at Spring Hill in Hickman County.
- KY 2207
 - A - From the junction with KY 252 west of Haywood, via South Fork Road to junction US 31E in Glasgow (Barren County).
- KY 2208
 - A - From the junction with KY 58, three (3) miles southeast of Clinton, via Floyd Road to the junction with KY 1708 in Hickman County.
- KY 2209
 - A - From the junction with US 51 south of Clinton, via Gwynn Road and Howell Road to the junction with KY 1529 in Hickman County.
- KY 2210
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- A - From the junction with KY 220 near the Meade County line extending easterly 2.289 miles (Hardin County).
- KY 2211
 - A - From the junction with US 31W in Radcliff via Elm Road to the junction with KY 447 (Hardin County).
- KY 2212
 - A - From the junction with KY 1375, via Fuller Haycraft Road and Rineyville School Road to the junction with KY 1600 at Rineyville (Hardin County).
- KY 2213
 - A - From the junction with KY 86 at Arch via Grandview to the junction with KY 2199 near the Breckinridge County line (Hardin County).
- KY 2214
 - A - From the junction with KY 447 near north city limits of Radcliff to the junction with US 31W near north city limits of Radcliff (Hardin County).
- KY 2216
 - A - From the junction with KY 357, 0.6 mile north of Maxine to the junction with KY 1517 at Oak Hill Church (Larue County).
- KY 2217
 - A - From the junction with KY 1832, 1.5 miles north of US 31E extending southwest to a point 0.38 mile northeast of KY 210 at Hodgenville (Larue County).
- KY 2218
 - A - From the junction with KY 883, 1.0 mile north of US 68 to west end of Little Pitman Creek Bridge (Taylor County).
- KY 2220
 - A - From the junction with KY 210, 0.7 mile southeast of KY 569 to a point near Mt. Carmel Church (Taylor County).
- KY 2222
 - A - From the junction with KY 1799 near Taylor County Airport, to junction KY 658 (Taylor County).
- KY 2225
 - A - From the junction with KY 453 nine-tenths (0.9) mile north of I-24 to the junction with KY 93 at luka in Livingston County.
- KY 2226
 - A - From the junction with KY 81 near Semiway to the junction with KY 85, 1.4 miles east of Worthington (McLean County).
- KY 2227
 - A - From the junction with US 31E, 1.1 miles south of Bluegrass Parkway to St. Thomas Orphanage (Nelson County).
- KY 2228
 - From the junction with KY 546, via Ambush Road, to the junction with KY 8 northeast of Foster (Bracken County).
- KY 2229
 - A - From the junction with KY 52, 0.6 mile south of Nelsonville to the junction with KY 52, 1.3 miles south of Nelsonville (Nelson County).
- KY 2230
 - A - From the junction with US 62, 2.1 miles northeast of KY 1858 to a point 0.436 mile southeast of beginning (Nelson County).
- KY 2232
 - A - From the junction with KY 866, via Sugar Creek Church Road to the junction with KY 70 in Livingston County.
- KY 2233
 - A - From the junction with KY 605 near Marion County line to a point 0.207 mile north of beginning (Washington County).
- KY 2234
 - A - From the junction with KY 1586 at Cardwell to Mercer County line 2.3 miles southeast of the beginning (Washington County).
- KY 2235
 - AAA - From the junction with US 60 westbound in Owensboro via Triplett Street to US 60 eastbound (Daviess County).
- KY 2237
 - A - From the junction with KY 480 at Salt River to the junction with KY 61 (Bullitt County).
- KY 2238
 - A - From the junction with US 27 in Highland Heights, via Nunn Drive, Three Mile Road Connector and Three Mile Road, to the junction with KY 9 (Campbell County).
- KY 2239
 - A - From the junction with KY 44, 2.3 miles east of Taylorsville to the junction with KY 55 near Mt. Zion (Spencer County).
- KY 2240
 - A - From the junction with KY 1297 at Railton, via Merry Oaks Road to the junction with US 68 at Merry Oaks (Barren County).
- KY 2241
 - AAA - From the junction with Breckinridge Lane in Louisville via Willis Avenue to US 60 in St. Matthews (Jefferson County).
- KY 2243
 - A - From the junction with US 60, 2.0 miles west of Spottsville, via Old US 60 Road and Spring Street in Spottsville to another junction US 60 near west end of Green River Bridge (Henderson County).
- KY 2244
 - AAA - From the junction with KY 61 in Louisville via Phillips Lane and Airport Road to Standiford Field parking lot (Jefferson County).
- KY 2245
 - AAA - From the junction with US 231 at Lewis Street in Owensboro via Fifth Street to US 431 at Frederica Street (Daviess County).
- KY 2247
 - A - From the junction with KY 812, via Posey-Ball Road to the junction with KY 1078 near Zion (Henderson County).
- KY 2248
 - A - From the junction with KY 1299, via Anthoston-Frog Island Road to the junction with US 41 at Anthoston (Henderson County).
- KY 2249
 - A - From the junction with KY 1078, via T. Smith Road and C. Tillotson Road to the junction with KY 351 (Henderson County).
- KY 2250
 - A - From the junction with KY 61 in Louisville via Lynn Street and Shelby Street to Harrison Street (Jefferson County).
- KY 2251
 - A - From the junction with US 31E at Fairland Avenue via Old US 31E to US 31E near Hikes Lane (Jefferson County).
- KY 2252
 - A - From the junction with KY 642 to the Lincoln County line (Garrard County).
- KY 2253
 - A - From the junction with KY 145 at Dixie, via Cairo-Dixie Road to the junction with US 41A, 0.3 miles south of Cairo (Henderson County).
- KY 2256
 - A - From the junction with US 60 in Graefenburg via Old US 60 to KY 1472 (Shelby County).
- KY 2258
 - A - From the junction with KY 53, 0.7 mile south of US 60 extending east and north to state maintenance garage (Shelby County).
- KY 2259
 - A - From the junction with US 60 in Frankfort via Shelby to a point 0.785 mile south of the beginning (Franklin County).
- KY 2260
 - A - From the junction with KY 266, 0.3 mile northwest of Rock Creek Bridge, via Trigg-Turner Road to junction KY 136 at Geneva (Henderson County).
- KY 2261
 - AAA - From the junction with KY 420 at High and Mero Streets in Frankfort, via Holmes Street to junction US 127 at Wilkison Blvd. overpass.
 - A - From the junction with KY 420 at Mero Street Frankfort, via

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- Ann Street and Clinton Street to the junction with KY 420 at High Street (Franklin County).
- KY 2263
A - From the junction with KY 70, via River Street in Rochester to the junction with KY 369 in Rochester (Butler County).
- KY 2264
A - From the junction with KY 55, 1.2 miles north of Lebanon, to a point 0.05 mile southeast of beginning (Marion County).
- KY 2265
A - From the junction with US 60 west of Frankfort to Capital City Airport (Franklin County).
- KY 2266
A - From the junction with KY 1328 near Jetson, via Old Greenwich School Road, to a point 4.134 miles south of KY 1328 (Butler County).
- KY 2267
A - From the junction with KY 1153 at Leetown, via Dunbar-Leetown Road to the junction with KY 70 at Dunbar (Butler County).
- KY 2268
A - From the junction with US 60 in Frankfort via Broadway to High Street (Franklin County).
- KY 2269
A - From the junction with KY 1118 at Gilstrap, via Holston-Gilstrap Road to the junction with KY 2713 at Dexterville (Butler County).
- KY 2270
A - From the junction with KY 993 near Rosewood, via Balton to the junction with KY 70 at Ennis (Muhlenberg County).
- KY 2271
A - From the junction with US 60 in Frankfort via Lafayette Drive to Shelby Street (Franklin County).
- KY 2272
A - From the junction with US 62 at Homestead to the junction with KY 3059 (Hopkins County).
- KY 2273
A - From the junction with KY 109 north of Charleston, via Fergusontown Road to the junction with KY 70 west of Beulah (Hopkins County).
- KY 2274
A - From the junction with KY 70 near west city limits of Madisonville to a point 0.094 mile north of the I.C.G. Railroad Underpass (Hopkins County).
- KY 2275
A - From beginning of state maintenance near Paintsville Lake Dam to the junction with KY 40 northeast of Paintsville (Johnson County).
- KY 2276
A - From the junction with KY 61 in Burkesville via Hill Street to KY 90 northwest of Burkesville (Cumberland County).
- KY 2277
A - From the junction with KY 829, 0.369 mile southeast of KY 558 at Cumberland City extending easterly 1.6 miles (Clinton County).
- KY 2278
A - From the junction with KY 1651 in Whitley City via Ball Cemetery Road to the state maintenance garage (McCreary County).
- KY 2280
A - From the junction with KY 1034 near Johnson Island church to the junction with US 41A, west of Nebo (Hopkins County).
- KY 2282
A - From the junction with US 27 at Greenwood to Greenwood Cemetery, including circle around cemetery (McCreary County).
- KY 2283
A - From the junction with KY 1545, north of Russell Springs, to the junction with KY 1729, 1.5 miles south of Sano (Russell County).
- KY 2284
A - From the junction with US 127 near Sewellton to the junction with KY 55, 0.5 mile west of US 127 (Russell County).
- KY 2285
A - From the junction with KY 80 in Russell Springs via High Street to KY 379 (Russell County).
- KY 2286
A - From the junction with US 127 in Russell Springs via Short Street to the junction with KY 379 (Russell County).
- KY 2287
A - From the junction with KY 55 in Columbia via Tutt Street to the junction with KY 80 (Adair County).
- KY 2288
A - From the junction with KY 767, 4.3 miles northwest of Columbia to a point 0.705 mile of northwest of beginning (Adair County).
- KY 2289
A - From the junction with KY 206, near Eunice, to KY 206 at Neatsville (Adair County).
- KY 2290
A - From the junction with KY 206 in Columbia via Young Street, Lowes Lane and Bryant Street (Adair County).
- KY 2291
A - From the junction with Old Burnside Road via Airport Road to Administrative Building (Pulaski County).
- KY 2292
A - From the junction with US 27 south of Somerset via Old US 27 to KY 1577 (Pulaski County).
- KY 2293
A - From boat dock on Lake Cumberland in Burnside to Lakeshore Drive (Pulaski County).
- KY 2294
A - From the junction with Lakeshore Drive, southside of Burnside, via French Avenue to Lakeshore Drive, north side (Pulaski County).
- KY 2295
A - From the junction with US 27 in southside of Burnside, via Lakeshore Drive and Antioch Avenue, to Grandview Avenue (Pulaski County).
- KY 2296
A - From the junction with KY 80 in Somerset via College Street to KY 39 (Pulaski County).
- KY 2297
A - From the junction with US 27, southwest of Somerset to KY 2292, (Old US 27) at north end of Allen Creek Bridge (Pulaski County).
- KY 2298
A - From the junction with US 27 in Somerset via Langdon Street to Monticello Street (Pulaski County).
- KY 2299
A - From the junction with US 27 near Oak Hill Road to KY 2292 (Pulaski County).
- KY 2300
A - From the junction with KY 80 BR in Somerset to Somerset Bypass at Clifty Road (Pulaski County).
- KY 2301
A - From the junction with US 27, 2.2 miles north of Burnside to US Government boat ramp on Lake Cumberland (Pulaski County).
- KY 2302
A - From the junction with KY 1580 at Govers Lane in Ferguson via Murphy and Griffin Street to the junction with South Main Street in Somerset (Pulaski County).
- KY 2303
A - From the junction with KY 1247 in Somerset via south Richardson Drive to the junction with KY 80 BR (Pulaski County).
- KY 2304
A - From the junction with KY 790 at Bronston to end of state maintenance near entrance to Twin Rivers Estate Subdivi-

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- sion (Pulaski County).
- KY 2308
A - From the junction with KY 635, in Science Hill via north Stanford Street to the junction with KY 1247 (Pulaski County).
- KY 2309
A - From the junction with KY 635 in Science Hill via south Stanford Street to the junction with KY 1247 (Pulaski County).
- KY 2310
A - From the junction with US 127 at Dunnville to the Adair County line (Casey County).
- KY 2311
A - From the junction with Montgomery Street in Liberty via Wolford Avenue to Sharp Avenue (Casey County).
- KY 2312
A - From the junction with KY 70 in Liberty via Courthouse Square to the junction with KY 70 (Casey County).
- KY 2313
A - From the junction with KY 70 in Liberty via Randolph Street to the junction with US 127 (Casey County).
- KY 2314
A - From the junction with KY 49 in Liberty via Hustonville Street to the junction with US 127 (Casey County).
- KY 2315
A - From the junction with KY 1247 in Stanford via Maxville Street to the junction with US 150 (Lincoln County).
- KY 2316
A - From the junction with US 150 in Stanford via Powell and Miller Streets to a point approximately 350 feet east of US 27 (Lincoln County).
- KY 2317
A - From the junction with KY 1851 at the west side of I-65, southerly along west side of I-65, to the Bullitt County line (Jefferson County).
- KY 2318
A - From the junction with KY 580, 0.4 mile south of Fishtrap, extending northeast to Fishtrap near Paintsville Lake (Johnson County).
- KY 2319
A - From the junction with KY 78 in Stanford via Helm Street to a point 1400 feet west of beginning (Lincoln County).
- KY 2320
A - From the junction with KY 1034, 1.4 miles east of City Circle to the junction with US 41A, 1.7 miles east of Nebo (Hopkins County).
- KY 2321
A - From the junction with US 150 in Brodhead via McKinney and Silver Streets to intersection with School Street (Rockcastle County).
- KY 2322
A - From the junction with US 25 in Mt. Vernon via Lewis Street to entrance to state highway garage (Rockcastle County).
- KY 2323
A - From the junction with US 25 in Mt. Vernon via Church Street to the junction with KY 1326 (Rockcastle County).
- KY 2324
A - From the junction with KY 33 in Danville via Lexington Avenue to the junction with KY 34 (Boyle County).
- KY 2325
A - From the junction with KY 259, northwest of Pig, via Silent Grove Road to the junction with KY 70 (Edmonson).
- KY 2326
A - From the junction with US 31W at Tuckertown to the junction with KY 743 near Chalybeate Elementary School (Warren-Edmonson Counties).
- KY 2327
A - From the junction with KY 876 in Richmond to the Barnes Mill Road (Madison County).
- KY 2328
A - From the junction with US 25 near Clays Ferry Interchange to the junction with US 25, 0.8 mile north of Clays Ferry Bridge (Madison-Fayette Counties).
- KY 2329
AA - From the junction with US 127 in Harrodsburg extending west to 450 feet north of the intersection of Factory and Magnolia Sts.
- KY 2330
A - From the junction with KY 187 southwest of Sunfish, via Sunfish-Sunny Point Road the junction with KY 1075 (Edmonson County).
- KY 2331
A - From the junction with KY 1659 to the Steele Road (Woodford County).
- KY 2332
A - From the junction with KY 169 in Nicholasville via North Third Street to the junction with KY 29 (Jessamine County).
- KY 2335
AA - From the junction with KY 57, 0.35 mile west of KY 859 at Avon to entrance to rear gate of Lexington-Bluegrass Army Depot.
A - From rear gate of Lexington-Bluegrass Army Depot to the junction with KY 1939, 2.1 miles east of Hutchinson (Fayette-Bourbon Counties).
- KY 2336
A - From the junction with KY 728 west of Nolin Lake Dam, via Meredith Road to the junction with KY 259 at Broadway (Edmonson County).
- KY 2337
A - From the junction with US 41A at Mitchell Hill in Madisonville, via Tucker School House Road to the junction with KY 1069, north of Madisonville (Hopkins County).
- KY 2338
A - From the junction with KY 281, northeast of Madisonville, via Carroll Gentry Road to the junction with KY 254 (Hopkins County).
- KY 2339
A - From the junction with KY 892 east of Madisonville, via Hicklen Cemetery Road to the junction with KY 85, 0.6 mile southwest of Anton (Hopkins County).
- KY 2340
A - From KY 70 at Browder Church, via Browder Church-Caldwell Road to the junction with KY 862 (Hopkins County).
- KY 2341
A - From the junction with US 25 to Georgetown Airport (Scott County).
- KY 2342
A - From the junction with US 60, 2.0 miles west of Morehead, via Baldridge Road, McBrayer Road, Hill Street Road and Tile Storage Lane, to the junction with KY 519 in Clearfield (Rowan County).
- KY 2343
AAA - From the junction with KY 627 in Winchester via Magnolia Street to the junction with US 60.
- KY 2344
AAA - From the junction with KY 1923 in Winchester via south Main Street to the junction with US 60.
- KY 2345
AAA - From the junction with US 60 near the east city limits of Winchester to a point 603 feet west of US 60.
- KY 2346
AA - From the junction with US 60, 1.4 miles west of Mt. Sterling, extending north to Mt. Sterling Airport.
- KY 2347
A - From the junction with KY 138 west of Jewell City, via Weldon Road to the junction with KY 370 (Hopkins County).
- KY 2349
A - From the junction with KY 73, 0.7 mile northwest of Pilot Knob Church, via Hardison Road to the junction with US 68

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- (Simpson-Logan Counties).
- KY 2348
 AAA - From the junction with KY 11 near C & O RR overhead in Mt. Sterling to east right-of-way line of C & O RR.
- KY 2350
 A - From the junction with US 42, 1.5 miles east of Carrollton to the junction with KY 36 (Carroll County).
- KY 2351
 A - From the junction with West Street in Monterey via Taylor Avenue to a point 170 feet west of Clyde Street (Owen County).
- KY 2352
 A - From the junction with KY 1316 via Moseby Creek Road to a point 0.780 mile north of beginning (Owen County).
- KY 2353
 A - From the junction with US 127 in Owenton via Blanton and Cross Streets to Center Street (Owen County).
- KY 2354
 A - From the junction with KY 22 in Owenton via Roland Avenue to US 127 (Owen County).
- KY 2355
 A - From the junction with KY 982 in Cynthiana via Waterworks Avenue to Kawneer Plant (Harrison County).
- KY 2356
 A - From the junction with KY 330 near the Grant-Pendleton County line via Crooked Creek Road to a county road 0.7 mile south of Durbintown (Grant-Pendleton-Harrison Counties).
- KY 2357
 A - From the junction with KY 982 in Cynthiana via Webster Avenue to the Old Lair Station Road (Harrison County).
- KY 2358
 A - From the junction with KY 982 in Cynthiana via Bridge Street to US 27 (Harrison County).
- KY 2359
 A - From the junction with US 25 near north city limits of Williamstown to 1,000 feet southwest of Mehl Factory (Grant County).
- KY 2360
 A - From the junction with KY 489, 1.7 miles north of KY 22 to a point 0.3 mile west of beginning (Grant County).
- KY 2361
 A - From the junction with US 25 near south city limits of Dry Ridge to Grant County High School entrance (Grant County).
- KY 2362
 A - From the junction with KY 489, northeast of Williamstown to the south end of the bridge over the South Fork of Grassy Creek (Grant-Pendleton Counties).
- KY 2363
 A - From the junction with Violet Road to Child Welfare Diagnostic Center (Grant-Kenton Counties).
- KY 2364
 A - From the junction with KY 18 in Florence via Shelby Street to KY 18 2367 at Main Street (Boone County).
- KY 2366
 A - From the junction with KY 14 in Walton, 0.2 mile east of I-75 to a point 0.25 mile north of the Kenton County line (Boone County).
- KY 2367
 A - From the junction with KY 25 in Florence via Main Street to another the junction with US 25 near KY 1017 (Boone County).
- KY 2368
 A - From the junction with KY 14 in Walton via School Road to Stephenson Mill Road (Boone County).
- KY 2369
 A - From the junction with KY 100 near Corinth, via Dennis-Corinth Road to the junction with KY 80 at Dennis (Logan County).
- KY 2370
 A - From the junction with KY 435, 0.5 mile southeast of Augusta, to KY 875, 2.4 miles east of Chatham (Bracken County).
- KY 2371
 A - From the junction with KY 96 near Williams Store, via Red Oak Church-Oakville Road to the junction with US 431 (Logan County).
- KY 2372
 A - From the junction with KY 1072 via Amsterdam and Park Roads to Barrington Road (Kenton County).
- KY 2373
 A - From the junction with KY 317 in Crescent Springs to a point 600 feet south of I-75 (Kenton County).
- KY 2374
 A - From the junction with KY 8 in Covington, via Crescent Avenue and Fifth Street, to KY 8 at Johnson Street with westbound couple on Fourth Street between Johnson Street and Crescent Avenue (Kenton County).
- KY 2375
 A - From the junction with KY 102, 1.4 miles southeast of Todd County line, via James Rose Road to junction KY 1041 (Logan County).
- KY 2376
 A - From the junction with KY 178 southeast of Justice, via Green Ridge-Spa Road to the junction with KY 106 at Spa (Logan County).
- KY 2377
 A - From the junction with KY 106, 0.7 miles south of Butler County line, via Anderson Store Road to the junction with KY 79, south of Pauline (Logan County).
- KY 2379
 A - From the junction with US 25W at west side of I-75 at Goldbug to a point 900 feet south of beginning (Whitley County).
- KY 2380
 A - From Muhlenberg County line, via Batsel Road to the junction with KY 85 (McLean County).
- KY 2381
 A - From the junction with US 23 near Floyd County line, via Johns Creek Road to the junction with KY 302 near Van Lear (Johnson County).
- KY 2382
 A - From the junction with US 25W, 0.7 mile north of KY 26 to County High School (Whitley County).
- KY 2383
 A - From the junction with KY 85 at Sacramento, via Bibb Road to the junction with KY 81 (McLean County).
- KY 2384
 A - From the junction with KY 312 in Corbin via Stamper Street to the junction with KY 1259 (Whitley County).
- KY 2385
 A - From the junction with KY 1155 near Poplar Grove, via Semiway-Faith Road to the junction with KY 81 at Semiway (McLean County).
- KY 2386
 A - From the junction with KY 92 south of Williamsburg via Old US 25W to the junction with 296 in Williamsburg (Whitley County).
- KY 2387
 A - From the junction with KY 90 near Summer Shade, via Randolph Moriah Church Road to the junction with KY 640 at Randolph (Metcalf County).
- KY 2388
 A - From the junction with KY 1189, 0.3 mile northeast of US 25, to the Veneering Mill at Fariston (Laurel County).
- KY 2389
 A - From the junction with KY 2069, 0.4 mile west of US 25, to airport (Laurel County).
- KY 2390
 A - From the junction with KY 496 near Grace Union Church, via Hickory Ridge Road to the junction with KY 533

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- (Metcalfe County).
- KY 2391
A - From the junction with KY 363 in London via Dixie Street to US 25 (Laurel County).
- KY 2392
A - From the junction with US 25, 1.3 miles south of Lily to the junction with US 25, 3.2 miles south of Lily (Laurel County).
- KY 2393
A - From the junction with KY 1275, extending north 2.985 miles to Lake Cumberland (Wayne County).
- KY 2394
A - From the junction with KY 66 at northeast city limits of Pineville to L & N RR crossing (Bell County).
- KY 2395
A - From the junction with Winchester Avenue in Middlesboro via Balmoral Road to L & N RR crossing (Bell County).
- KY 2396
A - From the junction with KY 74 in Middlesboro via Wilson Street to KY 441 (Bell County).
- KY 2398
A - From the junction with KY 92, 3.3 miles southwest of US 25E to a point 0.65 mile south up Goodin Creek (Bell County).
- KY 2399
A - From the junction with US 68 north of Cumberland Parkway, via A.H. Boston Road and Cork-Gaston Road to the junction with KY 80 at Gascon (Metcalfe County).
- KY 2401
A - From the junction with Exeter Avenue in Middlesboro via Petersborough Avenue to a point 2,450 feet north of Cumberland Avenue (Bell County).
- KY 2402
A - From the junction with KY 174 in Middlesboro via Twenty-Fifth Street and Hollywood Avenue to KY 441 (Bell County).
- KY 2404
A - From the junction with US 25E in Middlesboro via Environmental School road to a point 0.17 mile south of beginning (Bell County).
- KY 2406
A - From the junction with KY 223 at Hammond to a point 500 feet northeast of beginning (Knox County).
- KY 2407
A - From the junction with KY 1232, 1.8 miles west of Gray to L & N RR (Knox County).
- KY 2408
A - From the junction with KY 1232 in Gray via Jones Street to a point 653 feet southwest of beginning (Knox County).
- KY 2409
A - From the junction with KY 223, 1.0 mile southwest of Dewitt to a point 1,290 feet up Moore Creek (Knox County).
- KY 2410
A - From the junction with KY 1232 in East Corbin via Industrial Blvd. to a point 0.575 mile southeast of beginning (Knox County).
- KY 2411
A - From the junction with KY 305 northeast of Temple Hill to the junction with KY 1420 at High Point (McCracken County).
- KY 2413
A - From the junction with College Street in Barbourville via High Street and Broadway to Knox Street (Knox County).
- KY 2414
A - From the junction with KY 229, 0.8 mile south of Crane Nest, to a point 0.183 mile east (Knox County).
- KY 2415
A - From the junction with US 25E east of Barbourville via Martin Lane to Old US 25E (Knox County).
- KY 2417
A - From Lynn Camp Church Cemetery via Lynn Camp Church Road, Watch Road, Industrial Blvd., and Lynn Camp Avenue to the Lynn Camp School (Knox County).
- KY 2418
A - From the junction with KY 11 at Heidrick via Old US 25E to US 25E (Knox County).
- KY 2419
A - From the junction with Knox Street in Barbourville via College Street to Manchester Street (Knox County).
- KY 2420
A - From the junction with US 25E in Barbourville via Knox Street to Cumberland (Knox County).
- Ky 2421
A - From the junction with Court House Square in Barbourville via Knox Street and Cumberland Avenue to the junction with KY 3105 near south city limits of Barbourville (Knox County).
- KY 2422
A - From a point one-half (0.5) mile west of the west end of the bridge over the South Fork Bayou de Chien at Water Vally, via the Water Vally-Cuba Road to the junction with KY 303 at Cuba in Graves County.
- KY 2423
A - From the junction with KY 459 east of Barbourville via Sharp Gap Road and School Street to Fuller Street (Knox County).
- KY 2424
A - From the junction with US 119, 500 feet east of Cumberland River Bridge in Loyall to Loyall High School football field (Harlan County).
- KY 2425
A - From the junction with KY 72, 2.05 miles southwest of US 421, to a point 0.352 mile up Little Creek (Harlan County).
- KY 2426
A - From the junction with KY 61 west of Hodgenville, via West Main Street Connector, extending east 0.296 mile to end of state maintenance (Larue County).
- Ky 2427
A - From the junction with KY 72 at Elcomb to a point 0.210 mile northwest of the beginning (Harlan County).
- KY 2428
A - From the junction with US 421 at Grays Knob to Hall Elementary School (Harlan County).
- KY 2429
A - From the junction with KY 215 at Kenvir to a point 0.454 mile northeast of beginning (Harlan County).
- KY 2430
A - From the junction with KY 38 in Evarts via Kelly, Depot, Keister and Walnut Streets to Baileys Creek Road (Harlan County).
- KY 2431
A - From the junction with US 421 south of Hyden to Leslie County High School (Leslie County).
- KY 2432
A - From the junction with Cedar Street in Manchester via Railroad Street and Littleton Road to the junction with Beech Creek Road (Clay County).
- KY 2433
A - From the junction with KY 2 south of Greenup to the junction with KY 1 at Three Mile (Greenup County).
- KY 2436
A - From the junction with KY 30 northeast of Jackson to the entrance to Breathitt County Airport (Breathitt County).
- KY 2437
A - From the junction with KY 798, via Hatfield-Stevens Road to the junction with KY 250 west of Tinchener (McLean County).
- KY 2438
A - From the junction with KY 81 south of Glenville to the junction with KY 1046 (McLean County).
- KY 2439
A - From the junction with KY 100 at Meshack to the junction with Elbo Bend Road at Center Point (Monroe County).

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- KY 2440
A - From the junction with US 421 in Manchester via Main Street to US 421 at House Avenue (Clay County).
- KY 2441
A - From the junction with KY 100 northeast of Tompkinsville, via Lyons Chapel-Mount Hermon Road to the junction with KY 1049 (Monroe County).
- KY 2442
A - From the junction with US 421 in Manchester via Maple and Church Streets to grade school (Clay County).
- KY 2443
A - From the junction with US 421, 0.6 mile west of Botto to the junction with KY 718 (Clay County).
- KY 2444
A - From the junction with KY 2292 in Somerset to Pulaski County state maintenance garage.
- KY 2445
A - From the junction with KY 476 in Hazard via Walker Avenue to Hazard Vocational School (Perry County).
- KY 2446
AA - From the junction with KY 267 at Dice, north of Hazard, to Fifteen Mile Creek Road, 0.448 mile east of KY 267 (Perry County).
A - From the junction with Fifteen Mile Creek Road, via Lost Creek Road, to the junction with KY 15 south of Ned (Perry-Breathitt Counties).
- KY 2447
AA - From the junction with KY 7 at Fusonia in Perry County extending east 0.202 mile.
- KY 2448
A - From the junction with KY 451 in Hazard to a point 0.216 mile south on Kentucky Blvd. (Perry County).
- KY 2449
A - From the junction with KY 15 near Sheffield Street in Hazard via Main Street to the junction with KY 15 north of "Y" Street (Perry County).
- KY 2450
A - From the junction with KY 1066 near Nelson County line, via Ashes Creek Road to end of state maintenance near Taylorsville Lake (Spencer County).
- KY 2451
A - From the junction with Main Street in Hazard via High Street to Memorial Drive (KY 15) (Perry County).
- KY 2452
A - From the junction with KY 63, 0.4 mile northwest of Baileys Store, via Sandlick-Cedar Hill Road to the junction with KY 678 (Monroe County).
- KY 2453
A - From the junction with KY 52 to RR crossing at Old Landing (Lee County).
- KY 2454
A - From the junction with KY 89 in Irvine via Orchard and Park Aves., to Richmond Road (Estill County).
- KY 2455
A - From the junction with KY 89 in Irvine via Rice Street to a point 1.145 feet east of beginning (Estill County).
- KY 2456
A - From the junction with Bond Street in West Irvine via Church Street to High Street (Estill County).
- KY 2457
A - From the junction with KY 52 in West Irvine via High Street to Garrett Avenue (Estill County).
- KY 2458
A - From the junction with KY 52 in West Irvine via Bond Street and Garrett Avenue to the junction with KY 52 (Estill County).
- KY 2459
A - From the junction with KY 89 in Irvine via Old Richmond Road to a point 0.323 mile southwest of beginning (Estill County).
- KY 2460
A - From the junction with KY 52 in Irvine via North Court Street to Francis Street (Estill County).
- KY 2461
A - From the junction with KY 52 in Irvine via Broadway and Eighth Streets to the junction with KY 52 in Ravenna (Estill County).
- KY 2362
A - From the junction with KY 15 in Jackson via Jefferson and Highland Avenue to a point on Highland, 0.371 mile east of Jefferson Avenue (Breathitt County).
- KY 2463
A - From the junction with KY 30 in Jackson via College Avenue to Jefferson Avenue (Breathitt County).
- KY 2464
A - From the junction with KY 30 in Jackson via Railroad Street to a point 0.45 mile east of beginning (Breathitt County).
- KY 2466
AAA - From the junction with KY 30 near Stevenson, 10.8 miles northeast of Quicksand in Breathitt County to a point 1.449 miles west of KY 30.
- KY 2467
A - From the junction with KY 1524, 1.6 miles southeast of Brightshade, to the junction with county road at Darbs Branch (Clay County).
- KY 2468
A - From the junction with KY 678 northeast of Flippin, via Gum Tree Road to the junction with KY 870 at Gum Tree (Monroe County).
- KY 2469
A - From the junction with KY 30 at Shoulderblade to the junction with KY 52 near the Lee County line (Breathitt County).
- KY 2470
A - From the junction with KY 52 at Lee County line to a point 0.454 mile south of the beginning (Breathitt County).
- KY 2471
A - From the junction with KY 30 in Jackson via Main Street and Broadway to the junction with KY 30 (Breathitt County).
- KY 2472
AA - From the junction with KY 30 in Jackson via Armory Drive to the junction with Hargis Street, 0.857 mile southeast of KY 30.
- KY 2473
A - From the junction with KY 52 in West Irvine via Old Richmond Road to a point 0.2 mile northwest of beginning (Estill County).
- KY 2474
A - From the junction with KY 15 in Clay City via Eighth Street to Seventh Avenue (Powell County).
- KY 2475
A - From the junction with KY 15 in Clay City via Tenth Street and Ninth Avenue to the junction with KY 1057 (Powell County).
- KY 2476
A - From the junction with KY 213 in Stanton via Court Street to Breckinridge Street (Powell County).
- KY 2477
A - From the junction with KY 15 in Clay City via Seventh Street and Seventh Avenue to the junction with KY 15 (Powell County).
- KY 2478
A - From the junction with KY 15 in Clay City via Second Street to Fourth Avenue (Powell County).
- KY 2479
A - From the junction with Third Street in Clay City via Fifth Avenue, First Avenue, Second Street, Fourth Avenue and Third Street to the junction with KY 15 (Powell County).
- KY 2480
A - From the junction with KY 1057 in Clay City via Tenth Avenue to the junction with KY 15 (Powell County).
- KY 2481

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- A - From the junction with KY 15 in Clay City via Ninth Street to Red River Bridge (Powell County).
- KY 2482
 - A - From the junction with Main Street in Stanton via Blackburn Street and Hatton Branch Road to Furnace Street (Powell County).
- KY 2483
 - A - From the junction with KY 15 in Stanton via Furnace Street to KY 213 (Powell County).
- KY 2484
 - A - From the junction with Hatton Branch Road in Stanton via Tharpe Street to Vine Street (Powell County).
- KY 2486
 - A - From the junction with KY 15 in Stanton via Washington Street to Court Street (Powell County).
- KY 2487
 - A - From the junction with KY 213 in Stanton via Boone and Breckinridge Streets to Maple Street (Powell County).
- KY 2488
 - A - From the junction with Johnson Street in Campton via Plummer Street and Washington Street (Wolfe County).
- KY 2489
 - A - From the junction with KY 1010 via Murphy Fork Road to Morgan County line (Wolfe County).
- KY 2490
 - A - From the junction with KY 15 in Stanton via Drake and Marion Streets to Cemetery Street (Wolfe County).
- KY 2491
 - A - From a point 0.195 mile north of KY 2488 (Plummer Street) in Campton, via Bear Branch Road, Washington Street, Flatwoods Road, and Campton-Baptist Road to the junction with KY 1812, 1.2 miles southeast of Stillwater (Wolfe County).
- KY 2492
 - A - From the junction with Washington Street in Campton via Court Street to Marion Street (Wolfe County).
- KY 2493
 - A - From the junction with KY 7 in Salyersville via Licking Avenue, Cherokee Avenue and Quail Street to Magoffin Street (Magoffin County).
- KY 2494
 - A - From the junction with Broadway in West Liberty via Glenn and Liberty Streets to US 460 (Morgan County).
- KY 2495
 - AAA - From the junction with US 460 (Main Street) in West Liberty, along Court Street and Glenn Avenue to the junction with US 460 (Prestonsburg Avenue) in West Liberty.
- KY 2496
 - A - From the junction with US 460 in Ezel to a point 0.3 mile east of beginning (Morgan County).
- KY 2497
 - A - From the junction with US 460 at south limits of Ezel to the junction with US 460 in Ezel (Morgan County).
- KY 2498
 - A - From the junction with US 460 near southwest city limits of West Liberty to the junction with US 460 northeast of Index (Morgan County).
- KY 2499
 - A - From the junction with US 460 near east city limits of West Liberty to airport (Morgan County).
- KY 2500
 - A - From the junction with US 460 in Owingsville via Water Street to the junction with Oberline Avenue (Bath County).
- KY 2501
 - AAA - From the junction with US 60 in Salt Lick (Bath County) to another junction with US 60 near C & O RR underpass, east of Salt Lick.
- KY 2502
 - AAA - From the junction with KY 36 in Carlisle, via Walnut Street to North Street at entrance to state highway maintenance barn.
- KY 2503
 - AAA - From the junction with KY 11 in Flemingsburg, via Clark Street to the junction with KY 32 in Flemingsburg.
- KY 2504
 - A - From the junction with KY 11 in Flemingsburg via West and East Main Sts. to Garr Avenue (Fleming County).
- KY 2505
 - A - From the junction with US 68, 1.8 miles west of Fairview to the junction with KY 1029 at Burkia (Fleming-Robertson Counties).
- KY 2506
 - A - From the junction with KY 32 in Flemingsburg, 2,500 feet south of KY 32 via Foster Street to a point 439 feet northeast of beginning (Fleming County).
- KY 2507
 - AAA - From the junction with KY 32 in Flemingsburg, via Ritchie Avenue to US Shoe Corp., 800 feet northeast of KY 32.
- KY 2508
 - AAA - From the junction with KY 11 near northwest city limits of Flemingsburg to the junction with KY 559 at Stockyards.
- KY 2509
 - A - From the junction with KY 678 southwest of Flippin, via Deep Ford Road to a point 2.529 miles south of beginning (Monroe County).
- KY 2510
 - A - From the junction with KY 1515 via Mud Stock Road to KY 697 (Fleming County).
- KY 2511
 - AAA - From the junction with KY 10 (Third Street) in Maysville via Limestone and 2nd Streets to the junction with KY 10 at Wall Street.
- KY 2513
 - AAA - From the junction with KY 10 at Bridge Street in Maysville via East 2nd Street to the junction with KY 10 near east city limits of Maysville.
- KY 2514
 - A - From the junction with US 68, 2,000 feet north of Lees Creek via Old US 68, south of Licking River (Mason County).
- KY 2515
 - AAA - From the junction with US 68 near the north city limits of Washington to a point 0.463 mile west of US 68 (Mason County).
 - A - From the junction with US 68 south of Washington via Main Street to US 68 near the north city limits of Washington (Mason County).
- KY 2516
 - A - From the junction with US 68 near Jersey Ridge Road via Lexington Pike, Fourth Street to Plum Street in Maysville (Mason County).
- KY 2517
 - A - From the junction with US 68, 0.5 mile north of Mayslick, via Mayslick to US 68, 0.8 mile south of Mayslick (Mason County).
- KY 2518
 - A - From the junction with US 68 in Maysville via Plum and fourth Streets to KY 11 (Mason County).
- KY 2519
 - AAA - From the junction with KY 10 in Maysville via Lexington Street to KY 11 (Mason County).
- KY 2520
 - A - From the junction with Old US 60, 0.5 mile east of Farmers, to Rowan County Airport (Rowan County).
- KY 2521
 - A - From the junction with US 60 in Morehead via Bradley Avenue to Railroad Street (Rowan County).
- Ky 2522
 - A - From the junction with US 60 near Bath County line to US 60 near Farmers (Rowan County).
- KY 2523

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- AAA - From the junction with KY 10, 1.3 miles west of Vanceburg, to the junction with Old KY 10 at state highway maintenance barn (Lewis County).
- KY 2524
 - A - From the junction with KY 59 at Camp Dix extending northeast for 3.939 miles (Lewis County).
- KY 2525
 - AAA - From the junction with KY 10 near east city limits of Vanceburg via 2nd and Main Streets to the junction with KY 10 and KY 59 in Vanceburg.
- KY 2526
 - A - From the junction with KY 32, 1.0 mile north of KY 7, via Mica Plant Road to another junction with KY 32 (Elliott County).
- KY 2527
 - A - From the junction with KY 1555, 1.0 mile north of Gimlet, to the junction with KY 986 (Elliott-Carter Counties).
- KY 2528
 - A - From the junction with US 60 in Olive Hill via Railroad Street to US 60 (Carter County).
- KY 2529
 - A - From the junction with US 60 in Olive Hill to east city limits at Craig Street (Carter County).
- KY 2530
 - A - From the junction with US 60 in Grayson via Landsdown Street to south Side of I-64 (Carter County).
- KY 2531
 - A - From the junction with US 60 in Olive Hill via Clark Hill Road to the junction with KY 2078 (Carter County).
- KY 2532
 - A - From the junction with KY 286 northeast of Gage US 60 near the Ballard-McCracken County line to the junction with KY 725 (Ballard-McCracken Counties).
- KY 2533
 - A - From the junction with KY 189 in Greenville, via County Farm Road to the junction with KY 181 at Nebo (Muhlenberg County).
- KY 2534
 - AAA - From the junction with US 60 in Ashland (Boyd County) extending southeast 0.178 mile of Paul Blazer High School.
- KY 2535
 - A - From the junction with US 23 in Catlettsburg via Underpass Street to Broadway (Boyd County).
- KY 2536
 - A - From the junction with Broadway in Catlettsburg via Twenty-Third Street to Center Street (Boyd County).
- KY 2537
 - A - From the junction with Twenty-Sixth Street in Catlettsburg via Broadway to twentieth Street (Boyd County).
- KY 2538
 - AAA - From the junction with US 23, 1.5 miles east of east city limits of South Shore (Greenup County), to a point 0.13 mile north at C & O RR.
- KY 2539
 - A - From the junction with US 641 in Hazel via State, Third and Calloway Streets to US 641 (Calloway County).
- KY 2540
 - A - From the junction with KY 7 in South Shore via Old US 23 to the junction with US 23 in South Portsmouth (Greenup County).
- KY 2541
 - AAA - From the junction with US 23, near ECL of Greenup, via Main Street to the junction with KY 2, 1.0 mile west of beginning.
 - A - From the junction with KY 1 to the junction with US 23, northwest of Greenup.
- KY 2542
 - AAA - From the junction with US 23, 2.3 miles east of east city limits of South Shore in Greenup County, to a point 0.25 mile north at C & O RR.
- KY 2543
- AAA - From the junction with US 23 in Russell via Bellefonte and Ferry Streets to another junction with US 23 near the C & O RR underpass.
- KY 2544
 - A - From the junction with US 41 in Hopkinsville via Clay Street and 4th Street to the junction with US 41 at Main Street in Christian County and from 4th Street via Liberty Street to the junction with US 41 at 9th Street in Christian County.
- KY 2545
 - A - From the junction with KY 113 at Millstone to a point 150 feet north of Main Street in Sergent (Letcher County).
- KY 2546
 - A - From the junction with KY 90, via Stearns-Handcock Road, to junction KY 1009 at Narvel (Clinton County).
- KY 2548
 - AAA - From the junction with KY 15 in Whitesburg via Jenkins Road to the junction with KY 15 at Fifth Street (Letcher County).
- KY 2549
 - A - From the junction with KY 461, 0.5 mile northeast of Wabdo to the junction with US 150 west of Mt. Vernon (Rockcastle County).
- KY 2550
 - A - From the junction with US 23 at southeast city limits of Jenkins via Old US 23 to US 119 (Letcher County).
- KY 2551
 - A - From the junction with KY 175, via Briar Creek-Bremen Road to the junction with KY 181 near Bremen (Muhlenberg County).
- KY 2552
 - A - From the junction with US 119, 0.2 mile south of US 460 extending 691 feet toward Shelbyana (Pike County).
- KY 2553
 - A - From the junction with KY 61 at Pioneer Village, via Old KY 61 Road, to the junction with KY 1116 near Zoneton (Bullitt County).
- KY 2554
 - A - From the junction with KY 80, 1.0 mile southwest of Langley to the junction with Big Fork of Wilson Creek Road, 1.733 mile northwest of beginning (Floyd County).
- KY 2555
 - A - From the junction with KY 114 west of Prestonsburg, via Old Middle Creek Road, Duncan Street, Railroad Street and Main Street to the junction with US 23 in West Prestonsburg (Floyd County).
- KY 2556
 - A - From junction Lake Street in Prestonsburg via Court and Third Streets to Richmond Drive (Floyd County).
- KY 2557
 - A - From the junction with US 23 in Betsy Layne to Justell (Floyd County).
- KY 2558
 - A - From the junction with KY 302 in West Van Lear via West Clay Avenue, Eighth Street, Buckingham Avenue, Third Street, East Clay Avenue, and First Street to Buckingham Avenue (Johnson County).
- KY 2559
 - A - From the junction with US 23, 0.8 mile northwest of the Floyd County line to the airport runway (Johnson County).
- KY 2560
 - A - From the junction with Third Street around Mayo School to the junction with Third Street at Church Street in Paintsville (Johnson County).
- KY 2561
 - A - From the junction with US 23 BR in Paintsville via Main Street, Highland Avenue to the junction with KY 40 (Johnson County).
- KY 2562
 - A - From the junction with KY 32, approximately 0.7 mile west of Blaine, to Blaine School (Lawrence County).
- KY 2563

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- A - From the junction with US 23, approximately 0.2 mile north of the junction with US 23 and KY 644, extending northeast to carpet factory site (Lawrence County).
- KY 2565
 - A - From the junction with US 23 south of Louisa via Pocahontas Street to the junction with KY 3 in Louisa (Lawrence County).
- KY 2566
 - A - From the junction with KY 3 in Louisa via Main Cross Street, Pike Street, Lock Avenue and Public Way to the junction with US 23 (Lawrence County).
- KY 2567
 - A - From a point 0.6 mile south of KY 166 via Frontage Road B and Service Road Number 1 to a point 600 feet east of US 51 (Fulton County).
- KY 2568
 - A - From the junction with KY 116 at the Tennessee state line via Frontage Road A to US 51 (Fulton County).
- KY 2569
 - A - In Hickman County from the Fulton County line to the junction with US 45.
- KY 2570
 - A - From the junction with Holland Lane at west side of Purchase Parkway extending southwest and parallel with the Parkway for 2,950 feet (Hickman County).
- KY 2571
 - A - From the junction with KY 1283 at the Graves County line extending southwest and parallel to the Purchase Parkway to a point 980 feet southwest of Wilson Road (Hickman County).
- KY 2572
 - A - From a point 900 feet north of Purchase Parkway via Twin Hill Road to a point 750 feet south of the Purchase Parkway (Graves County).
- KY 2573
 - A - From the junction with KY 1763 at east side of Purchase Parkway via Gardner Road and extending south for 0.061 mile (Graves County).
- KY 2574
 - A - From a point 750 feet southeast of Purchase Parkway near Hicksville and extending northwest and southwest for 0.326 mile along north side of Parkway (Graves County).
- KY 2575
 - A - From a point 700 feet east of Purchase Parkway via County Farm Road to a point 900 feet west of Purchase Parkway (Graves County).
- KY 2577
 - A - From a point 170 feet west of US 45 via Later Hill Road extending west to a point 450 feet west of the Purchase Parkway (Graves County).
- KY 2578
 - A - From a point 0.6 mile west of US 45 via Grissom Road to a point 625 feet west of Purchase Parkway (Graves County).
- KY 2579
 - A - From a point 1,050 feet south of Purchase Parkway via Old Mayfield-Paducah Road to a point 550 feet north of Parkway (Graves County).
- KY 2580
 - A - From the junction with McKendree Church Road at north side of Purchase Parkway near Hicksville extending northeast and parallel to Parkway for 0.209 mile (Graves County).
- KY 2581
 - A - From a point 500 feet southwest of McKendree Church Road near Hicksville extending southwest and parallel with Purchase Parkway for 0.450 mile (Graves County).
- KY 2582
 - A - From the junction with Twin Hill Road at south side of Purchase Parkway, extending east and parallel with Parkway for 0.599 mile (Graves County).
- KY 2583
 - A - From Later Hill Road at west side of Purchase Parkway extending south and parallel with Parkway for 0.402 mile (Graves County).
- KY 2584
 - A - From the junction with KY 181 at Bertram, via New Harmony Road and Gishton-South Carrollton Road to the junction with KY 81, 2.2 miles west of South Carrollton (Muhlenberg County).
- KY 2585
 - A - From the junction with KY 1283 at the Hickman County line near south side of Purchase Parkway extending northeast and parallel with Parkway for 0.294 mile (Graves County).
- KY 2586
 - A - From a point 750 feet southeast of Purchase Parkway via Symsonia-Wadesboro Road to a point 400 feet northwest of Parkway (Graves County).
- KY 2587
 - A - Streets in Farmington, including Carter Street from KY 121 to a point 0.1 mile south; Jones Street from KY 121 to a point 0.4 mile southeast; Stokes Street from end of Jones Street extending north across KY 121 for 0.3 mile; Boyd Street from Jones to Carter; Church Street from KY 121 to 0.028 mile north and west of beginning; and Watson Street from KY 121 to a point 0.028 mile northwest of beginning (Graves County).
- KY 2588
 - A - Streets in Lowes, including Main Street from the junction with KY 440 to a point 0.15 mile south of beginning; School Street from KY 440 to Main Street; First Street from Bank Street to a point 260 feet east of Main Street and extending southwest for 0.30 mile; and Bank Street extending east 260 feet to First Street (Graves County).
- KY 2589
 - A - From the junction with Symsonia-Wadesboro Road at northwest side of Purchase Parkway extending sw and parallel to Parkway for 248 feet (Graves County).
- KY 2590
 - A - From junction KY 1379 at Nelson, via Burden Road to another junction with KY 1379 near the Green River (Muhlenberg County).
- KY 2591
 - A - From the junction with KY 73 near the Logan County line, via Sam Hollands Road to the junction with Flat Rock Road (Simpson County).
- KY 2592
 - A - From the junction with KY 73 northwest of Franklin, via Patton Place Road to the junction with US 31W north of Franklin (Simpson County).
- KY 2593
 - A - From the Tennessee State line, via Little Spring Road and Witt Road to the junction with KY 1008 southwest of Franklin (Simpson County).
- KY 2594
 - AAA - From the junction with KY 94 in Murray, via Industrial Road, to 4th Street (US 641 X) (Calloway County).
- KY 2595
 - A - From a point 1,300 feet southwest of Purchase Parkway via Lakeview Church Road to a point 350 feet northeast of Parkway (Marshall County).
- KY 2596
 - A - From the junction with Shamewell Road at south side of Purchase Parkway extending southwest along and parallel to parkway for 0.435 mile (Marshall County).
- KY 2597
 - A - From a point on Virgil Smith Road 295 feet northeast of center line of the Purchase Parkway to another point on Virgil Smith Road 0.056 mile southwest of beginning (Marshall County).
- KY 2598
 - A - From the junction with Jackson School Road at south side

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- of Purchase Parkway extending west and parallel to Parkway for 1,189 miles (Marshall County).
- KY 2599
A - From the junction with Jackson School Road 600 feet north of Purchase Parkway extending east and parallel to Parkway for 1.082 miles (Marshall County).
- KY 2600
A - From the junction with KY 348, 940 feet east of Purchase Parkway to Old Smysonia Road (Marshall County).
- KY 2601
A - From the junction with KY 100 near the Allen County line, via Reeder School Road to the junction with KY 622 near Bethany Church (Simpson County).
- KY 2602
A - From the junction with US 62 at east side of Purchase Parkway extending south and parallel to Parkway for 0.362 mile (Marshall County).
- KY 2603
A - From a point 1,000 feet north of Purchase Parkway via Hale Springs-Vanzora Road to a point 700 feet south of Parkway (Marshall County).
- KY 2604
A - From a point 400 feet north of Purchase Parkway via Bondurant Road to a point 750 feet south of Parkway (Marshall County).
- KY 2605
A - From a point 0.2 mile west of US 641 via Old Paducah Road to a point 250 feet west of Purchase Parkway (Marshall County).
- KY 2606
A - From a point 1,000 feet north of Purchase Parkway via Jackson School Road to a point 1,050 feet south of Parkway (Marshall County).
- KY 2607
A - From the junction with KY 1422 on the east side of Purchase Parkway via Pugh School Road to a point 0.282 mile north of beginning (Marshall County).
- KY 2608
A - From the junction with Lakeview Church Road at east side of Purchase Parkway via Pugh School cut-off extending south along Parkway for 0.099 mile (Marshall County).
- KY 2609
A - From the junction with US 641 in Benton via 4th Street to KYDOT maintenance garage entrance (Marshall County).
- KY 2610
AAA - From the junction with US 60, 0.35 mile north of Cumberland River Bridge, to KYDOT maintenance garage entrance (Livingston County).
- KY 2611
A - From a point 890 feet north of US 62 via Ethridge Road to a point 1,050 feet north of the Western Kentucky Parkway (Lyon-Caldwell Counties).
- KY 2612
A - From the junction with Evans Mill-Whites School Road at north side of Western Kentucky Parkway and parallel to the Parkway for 0.630 mile (Caldwell County).
- KY 2613
A - From a point 1,038 feet north of Western Kentucky Parkway via Longbreak-Flynns Fork Road to a point 1,000 feet south of Parkway (Caldwell County).
- KY 2614
A - From the junction with KY 1955 at the Jackson County line extending northward to the junction with KY 1912 (Rockcastle County).
- KY 2617
AAA - From the junction with US 62 in Princeton, along Fredonia Road to Caldwell County state maintenance headquarters.
- KY 2618
A - From a point 0.05 mile north of US 62 via Princeton-Varmint Race Road to a point 0.308 mile north of beginning (Caldwell County).
- KY 2619
A - From a point 1,100 feet north of Western Kentucky Parkway via Evans Mill-Whites School Road to a point 1,000 feet south of Parkway (Caldwell County).
- KY 2620
A - From the junction with Longbreak-Flynns Fork Road at north side of Western Kentucky Parkway extending south-west and parallel to the Parkway for 0.153 mile (Caldwell County).
- KY 2621
A - From the junction with Ethridge Road at north side of Western Kentucky Parkway extending east and parallel to the Parkway for 214 feet (Caldwell County).
- KY 2627
A - From the Christian County line, via Barkers Mill Road to the junction with US 41 in Trenton (Todd County).
- KY 2628
A - From the junction with US 41 in Guthrie, via Fairgrounds Road to the Tennessee State line (Todd County).
- KY 2629
A - From the junction with US 231 near Alvaton, via Old Scottsville Road to the junction with KY 2158 near southeast city limits of Bowling Green (Warren County).
- KY 2630
A - From the junction with KY 526 at Fairview Church, via Fairview-Boiling Springs Road to the junction with KY 743 at Halsell (Warren County).
- KY 2631
A - From the junction with KY 263 northwest of Benleo, via Benleo and the Benleo Road to another junction with KY 263, 1.3 miles north of Richardsville (Warren County).
- KY 2632
A - From the junction with KY 626, 1.1 miles southeast of Cohron, via White Stone Quarry-Hammett Hill Road to the junction with US 231, 1.9 miles west of Green River Parkway (Warren County).
- KY 2633
A - From the junction with US 41 at southeast end of Pennyriple Parkway Interchange extending northwest for 0.289 mile (Christian County).
- KY 2634
A - From the junction with KY 1682 at east side of Pennyriple Parkway Interchange extending north and parallel to the Parkway to Old Madisonville-Concord Road (Christian County).
- KY 2635
A - From the junction with Cavanaugh Lane at east side of Pennyriple Parkway extending south and parallel to the parkway for 0.2 mile (Christian County).
- KY 2636
A - From a point 0.6 mile east of Old Madisonville road extending east via Cavanaugh to a point 0.3 mile east of the parkway (Christian County).
- KY 2637
A - From a point 1.4 miles east of Old Madisonville Road via Grapevine Road to a point 0.2 mile east of the Pennyriple Parkway (Christian County).
- KY 2638
A - From a point 1.13 miles northeast of Old Madisonville Road via W. M. Lyle Road to a point 0.2 mile northeast of parkway (Christian County).
- KY 2639
A - From the junction with Knight Road at west side of Pennyriple Parkway extending north and parallel to parkway for 0.615 mile (Christian County).
- KY 2640
A - From a point 1.15 miles east of Old Madisonville Road via Knight Road to a point east of the Pennyriple Parkway (Christian County).
- KY 2641
A - From a point 350 feet east of Johnson Mill Road via

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Woodburn-Hay Road to a point 800 feet east of Old Madisonville Road (Christian County).

KY 2642

A - From the junction with Old Madisonville Road via Lake Morris Road to a point 690 feet east of Pennyryle Parkway (Christian County).

KY 2644

A - From the junction with US 62 at east side of US 41 extending north and parallel to US 41 to Russ Hill Road (Hopkins County).

KY 2645

A - From the junction with Whitfield Schoolhouse Road at east side of US 41 extending north and parallel to US 41 for 0.417 mile (Hopkins County).

KY 2646

A - From the junction with KY 813 near Mortons Gap via Old Salem Church Road to west side of US 41 (formerly KY 1622)(Hopkins County).

KY 2647

A - From the junction with US 41, 1.3 miles north of the Christian County line, to the McIntosh Chapel Road 625 feet east of the Pennyryle Parkway (Hopkins County).

KY 2648

A - From the junction with McIntosh Chapel Road at west side of the Pennyryle Parkway extending south and parallel to the Parkway for 0.175 mile (Hopkins County).

KY 2649

A - From end of Cates Street at Oak Hill extending east along south side of Western Kentucky Parkway for 0.089 mile (Hopkins County).

KY 2650

A - From the junction with US 41 Alt. at north side of Western Kentucky Parkway extending east and parallel to Parkway for 0.719 mile (Hopkins County).

KY 2651

A - From the junction with KY 1220, 800 feet southwest of KY 109 to a point 0.102 mile west of beginning (Hopkins County).

KY 2652

A - From the junction with KY 1220 at north side of Western Kentucky Parkway extending southwest and parallel to Parkway for 0.768 mile (Hopkins County).

KY 2653

A - From the junction with Nelson Lane, 736 feet west of US 41 via Whitfield Schoolhouse to a point 413 feet southeast of US 41 (Hopkins County).

KY 2654

A - From a point on Cal Hamby Lane, 0.55 mile south of KY 1221 extending south and parallel to US 41 to a point 0.861 mile south (Hopkins County).

KY 2655

A - From a point 0.1 mile east of Old Hanson Road via Herbert Brown Road to a point 1,525 feet east of Pennyryle Parkway (Hopkins County).

KY 2656

A - From the junction with Tom Reynolds Road, 0.72 mile east of US 41 via Fowler Road to a point 0.227 mile north of beginning (Hopkins County).

KY 2657

A - From the junction with US 41, 0.2 mile north of entrance to County Highway School via Fowler Road to a point 1,255 feet east of Pennyryle Parkway (Hopkins County).

KY 2658

A - From the junction with Nebo-Dixon Road via Nebo-Stanhop Road to the Webster County line (Hopkins County).

KY 2660

A - From the junction with KY 862 at west side of Pennyryle Parkway via McDowell Access Road extending south and east for 0.063 mile (Hopkins County).

KY 2661

A - From the junction with Ivan Edwards Road at east side of

Pennyryle Parkway extending south and parallel to Parkway for 0.149 mile (Hopkins County).

KY 2662

A - From the junction with KY 1033 at east side of Pennyryle Parkway extending south and parallel to Parkway for 0.674 mile (Hopkins County).

KY 2663

A - From the junction with Herbert Brown Road at east side of Pennyryle Parkway extending south and parallel to Parkway for 0.579 mile (Hopkins County).

KY 2664

A - From the junction with KY 260 at east side of Pennyryle Parkway extending north and parallel to Parkway for 1.641 miles (Hopkins County).

KY 2665

A - From the junction with KY 1435 at Barren River, via Glen Lily Road, Stubbins Street, and Clay Street to the junction with KY 1435 in Bowling Green (Warren County).

KY 2666

A - From a point 0.9 mile east of US 41 via Bell Court-Onton Road to a point 500 feet east of Pennyryle Parkway (Webster County).

KY 2667

A - From a point 0.4 mile east of US 41 via Old Slaughters-Onton Road to a point 1,400 feet east of Pennyryle Parkway (Webster County).

KY 2668

A - From the Daviess County line at Maxwell, via Belltown Road to junction US 231 (Ohio County).

KY 2670

A - From the junction with KY 1245 in McHenry to junction US 62 near west city limits of Beaver Dam (Ohio County).

KY 2671

A - From the junction with KY 54, 3.1 miles northwest of Fordsville, via Sunnydale Road to the junction with Sugar Grove Road (Ohio County).

KY 2672

A - From the junction with KY 1526, 0.4 mile northeast of Barrallton, via Knob Creek Road, to Jefferson County line (Bullitt County).

KY 2673

A - From the junction with KY 61 in Shepherdsville, via Blue Lick Road, to junction KY 1020 north of Shepherdsville (Bullitt County).

KY 2674

A - From the junction with US 31E at Smithville, via Stringer Lane, to junction KY 44 in Mt. Washington (Bullitt County).

KY 2675

A - From a point 0.25 mile east of US 41 via Royster Road extending east over Pennyryle Parkway for 0.379 mile (Henderson County).

KY 2676

A - From the junction with KY 416, 0.25 mile east of Pennyryle Parkway, extending southeast for 0.057 mile along Boys Camp Road (Henderson County).

KY 2677

A - From a point 0.2 mile northeast of KY 136 via Toy-Anthoston, extending northeast over Pennyryle Parkway for 0.612 mile (Henderson County).

KY 2678

A - From the junction with US 41, 1.7 miles north of Webster County line, via Moss and Moss Road to the junction with KY 2096 (Henderson County).

KY 2679

A - From a point 200 feet south of Greenbriar Street in Henderson via Arlington Street to a point 840 feet north of Vanguard Avenue (Henderson County).

KY 2680

A - From the junction with KY 812 in Henderson via Hall Way to Augusta Street (Henderson County).

KY 2681

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- A - From a point 0.23 mile north of Toy-Anthoston Road at east side of Pennyryle Parkway extending north and parallel to the Parkway for 1.345 miles (Henderson County).
- KY 2682
 - A - From the junction with KY 136 at west side of Pennyryle Parkway extending south and parallel to the Parkway for 1.088 miles (Henderson County).
- KY 2685
 - A - From the junction with Toy-Anthoston Road near east side Pennyryle Parkway extending southeast for 0.03 mile (Henderson County).
- KY 2686
 - A - From the junction with Toy-Anthoston Road near east side of Pennyryle Parkway extending northeast for 0.027 mile (Henderson County).
- KY 2687
 - A - From the junction with Stringtown Road at south side of Western Kentucky Parkway extending east and parallel to the Parkway for 0.439 mile (Muhlenberg County).
- KY 2689
 - A - From a point 1,200 feet east of KY 601 at south side of Western Kentucky Parkway extending east for 0.089 mile (Muhlenberg County).
- KY 2690
 - A - From the junction with Wyce Chapel at south side of Western Kentucky Parkway extending east and parallel to the Parkway to KY 601 (Muhlenberg County).
- KY 2691
 - A - From the junction with US 62 at south side of Western Kentucky Parkway extending east and parallel to Parkway for 0.117 mile (Muhlenberg County).
- KY 2692
 - A - From a point 1,100 feet south of Western Kentucky Parkway via Henry Oates Road to a point 1,270 feet north of Western Kentucky Parkway (Muhlenberg County).
- KY 2693
 - A - From the junction with KY 175 at north side of Western Kentucky Parkway extending east to Wyce Chapel (Muhlenberg County).
- KY 2694
 - A - From a point 1,525 feet south of Western Kentucky Parkway via Paradise-Rockport Road to a point 650 feet north of the Parkway (Muhlenberg County).
- KY 2695
 - A - From a point 650 feet south of Western Kentucky Parkway via Howerton Road to a point 400 feet north of the Parkway including a 180-foot spur near south side of the Parkway extending east (Muhlenberg County).
- KY 2696
 - A - From the junction with US 62 near ICG RR at Martwick extending southeast for 0.164 mile (Muhlenberg County).
- KY 2697
 - A - From a point 800 feet south of Western Kentucky Parkway via Stringtown Road to a point 800 feet north of the Parkway (Muhlenberg County).
- KY 2698
 - A - From a point 1,112 feet south of US 60 bypass via Carter Road to a point 1,052 feet north of Bypass (Daviess County).
- KY 2699
 - A - From the junction with KY 2121 at the southern city limits of Owensboro, via the Goetz Road to the junction with US 431 in Owensboro all in Daviess County.
- KY 2700
 - A - From a point 746 feet east of US 60 Bypass via Bittel Road to a point 754 feet west of the bypass (Daviess County).
- KY 2701
 - A - From a point 2,241 feet west of US 60 Bypass via 5th Street Road to a point 1,984 feet east of bypass (Daviess County).
- KY 2702
 - A - From the junction with Sutherland Road at south side of US 60 bypass extending east and parallel to bypass to Veach Road (Daviess County).
- KY 2703
 - A - From the junction with KY 54 at east side of US 60 Bypass extending southwest and parallel to bypass for 0.070 mile (Daviess County).
- KY 2705
 - A - From the junction with US 431 at north side of US 60 Bypass extending southwest and parallel to west side of US 431 interchange for 0.147 mile (Daviess County).
- KY 2706
 - A - From the junction with KY 44 west of Mt. Washington, via Greenbriar Road, Wales Run Road, and Flat Lick Road, to junction US 31E in Mt. Washington (Bullitt County).
- KY 2707
 - A - From the junction with Carter Road at north side of US 60 Bypass extending southeast and parallel to bypass to Tamarack Road (Daviess County).
- KY 2708
 - A - From the junction with KY 81 at east side of US 60 Bypass extending west and parallel with south side of KY 81 for 0.107 mile (Daviess County).
- KY 2709
 - A - From the junction with Airport Road, 0.39 mile west of US 60 Bypass, extending east and parallel with south side of KY 81 for 0.190 mile (Daviess County).
- KY 2711
 - A - From a point 1.3 miles east of KY 369 extending east on Union School Road for 0.303 mile (Ohio County).
- KY 2712
 - A - From a point 900 feet south of Western Kentucky Parkway via Rob Roy Road to a point 936 feet north of the Parkway (Ohio County).
- KY 2713
 - A - From the junction with KY 79, 0.4 mile southwest of Welcome, via Dexterville-Banock-Arnold, to the junction with KY 505 at Windy Hill.
- KY 2714
 - A - From the junction with KY 369 at north side of Western Kentucky Parkway extending west and parallel to the Parkway for 0.097 mile (Ohio County).
- KY 2715
 - A - From the junction with Windy Hill-Arnold road at south side of Western Kentucky Parkway extending east and parallel to the Parkway for 0.123 mile (Ohio County).
- KY 2716
 - A - From the Butler County line, south of Western Kentucky Parkway to a point 0.252 mile west of beginning (Ohio County).
- KY 2717
 - A - From the junction with Windy Hill-Arnold Road at south side of Western Kentucky Parkway extending west and parallel to the Parkway for 1.121 miles (Ohio County).
- KY 2718
 - A - From the junction with US 231 at north side of Western Kentucky Parkway, via Liberty Church Road to the junction with KY 2113 near Beaver Dam (Ohio County).
- KY 2719
 - A - From the junction with KY 1245 at north side of Western Kentucky Parkway extending west and parallel to the Parkway for 0.088 mile (Ohio County).
- KY 2720
 - A - From the junction with KY 1245 at north side of Western Kentucky Parkway extending south under the Parkway along the Lewis Creek Road for 0.096 mile (Ohio County).
- KY 2722
 - A - From the junction with Sandefur Crossing Road at north side of Western Kentucky Parkway extending west and parallel to the Parkway for 0.267 mile (Ohio County).
- KY 2723

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- A - From the junction with KY 44 near Bullitt Lick Church, via Raymond Road, to the junction with KY 44 in Shepherds-ville (Bullitt County).
- KY 2724
 - A - From the junction with KY 251 southwest of Belmont, via Horse Fly Hollow Road to junction KY 1494, south of Bardstown Junction (Bullitt County).
- KY 2725
 - A - From the junction with Front Street in Lewisburg via Sneed and Second Streets to East Henry Street (Logan County).
- KY 2726
 - A - From the junction with KY 1816 north east of Glaherty, via Shot Hunt Road to the junction with US 60, east of Hog Wallow (Meade County).
- KY 2727
 - A - From the junction with KY 428 at Haysville to the junction with KY 144 southwest of Ekron (Meade County).
- KY 2729
 - A - From a point 800 feet south of Western Kentucky Parkway via Terry Higgs Road to a point 400 feet north of Parkway (Grayson County).
- KY 2730
 - A - From a point 950 feet south of Western Kentucky Parkway via McDonald Road to a point 950 feet north of the Parkway (Grayson County).
- KY 2731
 - A - From the junction with KY 144 near New Highland Church, via New Highland Church Road to the junction with KY 228 west of Brandenburg (Meade County).
- KY 2732
 - A - From a point 400 feet south of Western Kentucky Parkway via Old Antioch Church Road to a point 750 feet north of Parkway (Grayson County).
- KY 2733
 - A - From a point 0.256 mile southeast of Western Kentucky Parkway via Crow Hollow Road to a point 0.132 mile northwest of the Parkway (Grayson County).
- KY 2734
 - A - From the junction with KY 823 near the Breckinridge County line, via Dead Horse Hollow Road to the junction with KY 376, 3.0 miles southwest of Payneville (Meade County).
- KY 2735
 - A - From the junction with KY 46 southeast of Balltown, via Burba Road and North Roberts Road to the junction with KY 49 south of Greenbrier (Nelson County).
- KY 2736
 - A - From the junction with US 61 in Bardstown, via Old Bloomfield Road to the junction with US 62, northeast of Bardstown (Nelson County).
- KY 2737
 - A - From the junction with US 62 near Cravens, via Irvin Road to the junction with KY 1430 northwest of Bardstown (Nelson County).
- KY 2738
 - A - From the junction with KY 55 south of Bloomfield, via Bloomfield-Tunnel Hill Road to the junction with US 62W of Chaplin (Nelson County).
- KY 2739
 - A - From the junction with KY 509 at Cox's Creek, via Lenore-Cox's Creek Road to the junction with KY 523 near Lenore (Nelson County).
- KY 2740
 - A - From the junction with KY 327 at Street Mary, via Frogtown to the junction with KY 49 near Loretto (Marion County).
- KY 2741
 - A - From the junction with KY 412, 1.2 miles north of Street Joseph, via McElroy and Wards Branch Roads to the junction with US 68 near Belltown (Marion County).
- KY 2742
 - A - From the junction with KY 259, 668 feet north of Western Kentucky Parkway extending sw and parallel to northwest loop of the Parkway (Grayson County).
- KY 2744
 - A - From the junction with KY 208 at Calvary to junction KY 3221 at Lebanon (Marion County).
- KY 2746
 - A - From a point 972 feet southeast of I-65 via Eudora Road to a point 1,352 feet northwest of I-65 (Hart County).
- KY 2747
 - A - From the junction with Eudora Road at southeast side of I-65 extending northeast and parallel to I-65 for 0.635 mile (Hart County).
- KY 2754
 - A - From the junction with KY 728 at east side of I-65 extending south and southeast via John Highbaugh and Chestnut Grove Roads for 1.712 miles (Hart County).
- KY 2756
 - A - From the junction with US 31W west of I-65 underpass near Chestnut Grove Road extending east under I-65, thence south along east side of I-65 for 1.567 miles (Hart County).
- KY 2757
 - A - From a point 1,500 feet west of I-65 via Rowletts-Cave Spring Road to a point 900 feet east of I-65 (Hart County).
- KY 2758
 - A - From the junction with KY 1404, northeast of Lebanon to junction US 150 near Rinetown (Marion-Washington Counties).
- KY 2759
 - A - From the junction with KY 550, approximately 2.0 miles west of Hindman to the junction with KY 160 near north city limits of Hindman (Knott County).
- KY 2760
 - A - From the junction with KY 61 near Tonieville to the junction with KY 210 (Larue County).
- KY 2761
 - A - From the junction with KY 210, 2.5 miles northwest of Hodgenville, via Carter Bros. Road to the junction with KY 1607 near Hardin County Line (Larue County).
- KY 2762
 - A - From the junction with KY 61, 0.4 miles southeast of Despains to the junction with KY 210, 1.2 miles southeast of Jericho (Green-Larue Counties).
- KY 2763
 - A - From the junction with KY 323, 1.6 miles northeast of Summersville to the junction with KY 569 at Coakley (Green County).
- KY 2764
 - A - From the junction with KY 793, via Miller Road to the junction with KY 70 ear Black Gnat (Green-Taylor Counties).
- KY 2765
 - A - From the junction with Cave Bend Road, via Old Salem church-Webbs Road to the junction with KY 88 near Webbs (Green County).
- KY 2766
 - A - From the junction with KY 185, south of Caneyville, via Peth to the junction with KY 187 (Grayson County).
- KY 2767
 - A - From the junction with Murriel-Town Road 122 feet east of US 31 W extending along east side of US 31W and I-65 for 1.567 miles (Larue County).
- KY 2768
 - A - From the junction with KY 839 at Forkton to the junction with KY 163 at Mt. Gilead (Monroe County).
- KY 2769
 - A - From the junction with KY 1754 at south side of Blue Grass Parkway extending west and parallel to the Parkway for 1.009 miles (Washington County).
- KY 2770
 - A - From the junction with KY 1754 at north side of Blue Grass

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- Parkway extending east and paralleling the Parkway to the junction with KY 555(Washington County).
- KY 2771
A - From junction KY 2768, 0.6 mile southwest of Anderson County line, extending north for 339 feet (Washington County).
- KY 2772
A - From a point 775 feet south of Blue Grass Parkway via Fairview Road to a point 700 feet north of the Parkway (Washington County).
- KY 2773
A - From the junction with KY 49 at south side of Blue Grass Parkway extending west and parallel to the Parkway for 0.106 mile (Nelson County).
- KY 2774
A - From the junction with KY 54 near Short Creek to the junction with KY 631 near Concord (Grayson County).
- KY 2775
A - From a point 700 feet south of the Blue Grass Parkway via Murphy Lane to a point 725 feet north of the Parkway (Nelson County).
- KY 2776
A - From a point 1,300 feet south of Blue Grass Parkway via Ed Brent Road to a point 1,150 feet north of the Parkway (Nelson County).
- KY 2777
A - From the junction with US 62 west of Leitchfield, via R. Priddy Road, to the junction with KY 54 (Grayson County).
- KY 2778
A - From the junction with KY 1214, 1.0 miles north of Snap, via Downs School Road to the junction with KY 224 (Grayson County).
- KY 2779
A - From the junction with KY 259, northwest of Hardinsburg, via New Bethel Road to the junction with KY 144 near Stephensport (Breckinridge County).
- KY 2780
A - From a point on north side of Blue Grass Parkway 0.2 mile southwest of Ed Brent Road extending southwest for 0.142 mile (Nelson County).
- KY 2781
A - From the junction with KY 333, west of Bewleyville, via Thornhill Road to the junction with KY 2202 (Breckridge County).
- KY 2783
A - From the junction with KY 733 at south side of Blue Grass Parkway extending northeast to a point 0.515 mile north-east of the beginning (Nelson County).
- KY 2784
A - From the junction with KY 70 at Acton, via Wooleyville, to the junction with KY 744 near the Marion County line (Taylor County).
- KY 2785
A - From the junction with KY 936 west of Jonesville to the junction with KY 357 near Hammonville (Hart County).
- KY 2786
A - From the junction with KY 88 at Kessinger, via Macon, to the junction with KY 728 at Lines Mills (Hart County).
- KY 2793
A - From a point 0.5 mile east of US 25 at Renfro Valley extending northwest via Hummell Road and Lake Linville Road to junction Mt. Zion Road (Rockcastle County).
- KY 2799
A - From the junction with Alford Street at west side of I-264 extending north for 0.107 mile (Jefferson County).
- KY 2800
A - From the junction with KY 224 at Cash, via Seven Corners to the junction with KY 720 at Flint Hill (Hart-Hardin Counties).
- KY 2801
A - From the junction with Southern Parkway extending east via Southern Heights to the junction with Third Street; also, from the junction with the I-264 ramps at Third Street via Southern Heights to the junction with Meridale Avenue; also, from the junction with Third Street via Florence Avenue extending west to the junction with Southern Parkway, a total distance of 0.256 mile (Jefferson County).
- KY 2802
A - From the junction with KY 1600, northwest of Elizabethtown, via Hutcherson Lane and Highland School Road to the junction with US 31W, north of Elizabethtown (Hardin County).
- KY 2803
A - From the junction with Warnock Avenue in Louisville via Arthur Street to Brandeis Avenue (Jefferson County).
- KY 2804
A - From the junction with KY 79 at Post to the junction with KY 64 at Larkins store (Grayson County).
- KY 2809
A - From the junction with KY 22 at west side of Jefferson Freeway extending northerly for 0.061 mile (Jefferson County).
- KY 2810
A - From the junction with KY 22 at east side of Jefferson Freeway extending south for 0.064 mile (Jefferson Co.).
- KY 2811
A - From the junction with KY 1447 at west side of Jefferson Freeway extending east and north for 0.091 mile (Jefferson County).
- KY 2812
A - From the junction with KY 155, 0.35 mile east of Jefferson Freeway extending north and west from KY 155 for 0.160 mile (Jefferson County).
- KY 2814
A - From beginning of state maintenance at a point 1.404 miles southeast of the Spencer-Bullitt County line, via Whitfield Lane, to the junction with KY 1319 at Whitfield (Spencer-Bullitt Counties).
- KY 2815
A - From the junction with KY 1005 at Tioga, via Mt. Zion Road, to the junction with KY 12 near the Shelby County Line (Franklin County).
- KY 2817
A - From the junction with KY 1665 at Evergreen, via Cardwell Lane to the junction with US 60 west of Frankfort (Franklin County).
- KY 2820
A - From the Anderson County Line, via Green-Wilson Road, to the junction with US 127 at Farmdale (Franklin County).
- KY 2821
A - From the Woodford County Line, via Hanley Lane, to the junction with US 60 near southeast city limits of Frankfort (Franklin County).
- KY 2822
A - From the junction with US 460 east of Frankfort, via Steadmentown Lane, to the junction with KY 1900 (Franklin County).
- KY 2828
A - From the junction with KY 546 near the Pendleton County line, via Ivor Road, to the junction with KY 8 at Ivor (Campbell-Pendleton Counties).
- KY 2834
A - From the junction with KY 130 at Henshaw, via Henshaw-Spring Grove Road to the junction with KY 56, west of Spring Grove (Union County).
- KY 2835
A - From the junction with KY 2091, southeast of Morganfield to junction US 60, 2.0 miles west of Waverly (Union County).
- KY 2836
A - From the junction with KY 120 at Liberty, via Jolly-Liberty Road to the junction with US 41A at Jolly (Webster Coun-

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- ty).
- KY 2837
A - From the junction with KY 109 in Wheatcroft to the junction with KY 270 at Hearin (Webster County).
- KY 2838
A - From the junction with KY 270 east of Hearin, via Mitchell-Griggs Road to junction KY 857 (Webster County).
- KY 2839
A - From the junction with KY 132 northeast of Dixon, via Dixon-Wanamaker Road and Wanamaker to junction US 41A, 2.5 miles south of Henderson County line (Webster County).
- KY 2840
A - From the junction with US 60, extending east via Main Street and Old Shelbyville Road in Middletown, to another junction with US 60 (Jefferson County).
- KY 2841
A - From the junction with US 60 west of Eastwood, via Eastwood Cut-off Road, to another junction with US 60 near Gilliland Road (Jefferson County).
- KY 2842
AAA - From the junction with US 23, 2.1 miles north of Lockwood, extending eastward 0.110 mile to junction KY 757 (Boyd County).
- KY 2844
A - From the junction with KY 146 west of Anchorage, via Hounz Lane, to the junction with KY 1447 (Jefferson County).
- KY 2845
A - From the junction with KY 61 (Preston Highway), via Manslick Road, to the junction with KY 864 (Jefferson County).
- KY 2846
A - From the junction with KY 237, 0.7 mile north of I-275, via Tanners Road to the junction with KY 8 north of Taylorsport (Boone County).
- KY 2847
A - From junction KY 1829 in the Northern Kentucky Industrial Park, via Empire Drive to junction US 25 north of Devon (Boone County).
- KY 2848
A - From a point 1140 feet southwest of KY 2847 in Northern Kentucky Industrial Park, via Bluegrass Drive to the junction with KY 2847 (Boone County).
- KY 2849
A - From the junction with KY 1829 in the Northern Kentucky Industrial Park, via Kentucky Drive, extending north 0.335 mile, and including Cul-de-sac (Boone County).
- KY 2850
A - From the junction with KY 16 at Ryle, via Baker Road to the junction with US 42 at South Fork Bridge (Gallatin-Boone Counties).
- KY 2852
A - From the junction with KY 338, 0.2 mile northwest of Hamilton Elementary School, via Riddles Run Road, to the junction with KY 536 at Gunpowder Creek Bridge (Boone County).
- KY 2853
A - From the junction with KY 712, via Jericho Road, to CSX Railroad in LaGrange (Oldham County).
- KY 2854
A - From the junction with KY 146 in LaGrange, via Dawkins Lane, to the junction with West Bennett Lane (Oldham County).
- KY 2855
A - From the junction with KY 146 in LaGrange, via Fort Pickens Road, to the junction with KY 3223 (Oldham County).
- KY 2856
A - From the junction with KY 393, via Elder Park Road and Moody Lane, to the junction with KY 53 near Ballardsville (Oldham County).
- KY 2857
A - From the junction KY 2856, via New Moody Lane, to the junction with KY 53 in LaGrange (Oldham County).
- KY 2858
A - From the junction with KY 1818 east of Floydsburg, via Abbott Lane, to the junction with 22 (Oldham County).
- KY 2859
A - From the junction with KY 1818, via Fible Lane, to the junction with KY 22 east of Centerfield (Oldham County).
- KY 2860
AAA - From the junction with US 31E at Bardstown Road in Louisville via Grinstead Drive to the junction with US 60A at Cherokee Parkway.
- KY 2861
A - From the junction KY 148 at Olive Branch, via Zaring Mill Road, and MacWalters Road in Shelbyville, to the junction with US 60 in Shelbyville (Shelby County).
- KY 2862
A - From the junction with KY 55 of Middleton Heights, via Pierce Industrial Road and Old Finchville Road, to the junction with US 60 in Shelbyville (Shelby County).
- KY 2863
A - From the junction with US 60, 100 feet west of Blue Grass Parkway Bridge, extending northeast and parallel to the westbound ramp of the Parkway (Woodford County).
- KY 2865
A - From the junction with US 60, 1,600 feet east of the Blue Grass Parkway Bridge extending west and parallel to US 60 for 0.167 mile (Woodford County).
- KY 2866
A - From the junction with KY 1790, 0.6 mile southwest of I-64, via Seven Mile Pike, to the junction with KY 714, 0.8 mile southwest of Hemp Ridge (Shelby County).
- KY 2867
A - From the junction with KY 396 at Waddy, via Kings Highway, to the junction with KY 1472 near the Anderson County line (Shelby County).
- KY 2868
A - From the junction with US 42 southwest of Abbott, via Morton Ridge Road extending west 4.077 miles (Trimble County).
- KY 2869
A - From the junction with KY 625 near Mt. Pleasant, via Conners Ridge Road, extending west 1.835 miles (Trimble County).
- KY 2870
A - From the junction with US 421 north of Bedford, via New Hope Ridge Road, extending west and south 3.637 miles (Trimble County).
- KY 2871
A - From the junction with US 42 northeast of Bedford, via US 42-KY 1335 Connector Road, to the junction with KY 1335 (Trimble County).
- KY 2872
A - From a point 0.246 mile west of I-75 via Duncannon Road to a point 0.265 mile east of I-75 (Madison County).
- KY 2873
A - From the junction with Peggy's Flat Road (KY 2874) at west side of I-75 extending north and parallel to I-75 for 0.421 mile (Madison County).
- KY 2874
A - From the junction with KY 595 at west side of I-75 extending north and parallel to I-75 to Peggy's Flat Road (Madison County).
- KY 2875
A - From the junction with US 25 at south end of I-75 Interchange extending northwest for 0.135 mile (Madison County).
- KY 2876
A - From the junction with Simpson Road east of Clays Ferry

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- Interchange extending north for 0.592 mile (Madison County).
- KY 2877
A - From the junction with Calest Road at west side of I-75 extending south and parallel to I-75 for 0.806 mile (Madison County).
- KY 2878
A - From the junction with US 25, 1.52 miles north of KY 1156 extending east under I-75 then north and parallel to I-75 to the junction with KY 627 (Madison County).
- KY 2879
A - From the junction with KY 2878 at east side of I-75 extending south and parallel to I-75 for 0.475 mile (Madison County).
- KY 2880
A - From a point 0.165 mile west of I-75 via Menelaus Road to a point 0.4 mile east of I-75 (Madison County).
- KY 2881
A - From the junction with KY 1983, 0.9 mile northwest of Farristown to the junction with KY 52 at Calest (Madison County).
- KY 2882
A - From a point on east side of I-75, 0.791 mile south of Duncannon Road extending north to a point 0.487 mile north of Duncannon Road (Madison County).
- KY 2883
A - From the junction with Barnes Mill Road at west side of I-75 Interchange extending north and parallel to the exit ramp for 0.139 mile (Madison County).
- KY 2884
A - From on ramp at west side of I-75 Interchange south of Clays Ferry to Simpson Road (Madison County).
- KY 2885
A - From the junction with KY 652 near Little Union Church, via Bowman-West River Road, to junction KY 55 south of Taylorsville (Spencer County).
- KY 2886
A - From the junction with US 25 east of I-75, 0.37 mile north of I-64 and I-75 extending west via Kearney Road to a point 0.451 mile west of beginning (Fayette County).
- KY 2888
AAA - From the junction with KY 1958 (Van Meter Road) west of Winchester, via Rockwell Road to the junction with KY 1678 (Clark County).
- A - From the junction with KY 859 near north side of I-64 to a point 0.48 mile west of KY 859 in Fayette County (Note: Section between KY 1678 and KY 859 is not state maintained.)
- KY 2890
A - From the junction with KY 1256 west of Milton, via Liberty School Road, extending west 2.646 miles (Trimble County).
- KY 2897
A - From the junction with KY 19 at the Bracken-Robertson County line extending easterly via Chapel Ridge Road to junction KY 539, northwest of Mt. Olivet (Bracken-Robertson Counties).
- KY 2899
A - From the junction with US 25 near Cleveland Road extending north and parallel to I-75 for 0.650 mile (Fayette County).
- KY 2902
A - From the Pendleton County line, via New Zion Road, to the junction with KY 10, 0.4 mile northwest of Berlin (Bracken County).
- KY 2905
AAA - From the junction with KY 1681 (Old Frankfort Pike) near west side of KY 4 Interchange at Lexington extending northeast 0.24 mile.
- KY 2906
AAA - From the junction with US 460 at southeast ramp for I-75 extending north to the junction with US 62, northeast of Georgetown (Scott County).
- KY 2907
A - From the junction with US 25, 310 feet south of Big Eagle Creek Bridge, extending northwest under I-75 and south parallel to I-75 for 1.215 miles (Scott County).
- KY 2908
A - From a point on west side of I-75, 721 feet south of Pokeberry Road, to a point 1,139 feet north of Pokeberry Road (Scott County).
- KY 2909
A - From the junction with Lisle Road at northwest side of I-75 extending southeast under I-75 for 386.5 feet to entrance to Walnut Hall Farm (Scott County).
- KY 2910
A - From the junction with US 25 near east side of I-75 extending south and parallel to I-75 for 825 feet (Scott County).
- KY 2911
A - From the junction with US 25 at west side of I-75 extending north and parallel to I-75 for 0.648 mile (Scott County).
- KY 2912
A - From a point 0.92 mile west of US 25 extending east via Pokeberry Road to a point 0.475 mile west of US 25 (Scott County).
- KY 2913
A - From the junction with Pokeberry Road at east side of I-75 extending northwest for 0.124 mile (Scott County).
- KY 2914
A - From a point 775 feet west of I-75 via Rock Quarry Road to a point 625 feet east of I-75 (Scott County).
- KY 2915
A - From a point 1.1 miles west of US 25 extending west under I-75 via Rays Fork Road for 0.388 mile (Scott County).
- KY 2916
A - From KY 1136, 1,500 feet south of West Kentucky Parkway, extending northwest to the south limits of US 31W Bypass (Hardin County).
- KY 2917
A - From the junction with KY 923 at Grangertown via Louis Road to KY 109 (Union County).
- KY 2918
A - From the junction with KY 923 at Grangertown via Urton Road to KY 109 (Union County).
- KY 2921
A - From the junction with KY 1566 west of Alexandria, via North Washington Trace and Pointer Road to the junction with KY 8 at New Richmond Station (Campbell County).
- KY 2922
A - From the junction with county road, 0.6 mile southeast of White House via Henrietta to the Lawrence County line (Johnson County).
- KY 2924
A - From the junction with US 27 in Alexandria, via Licking Road, to the junction with KY 9 north of Hawthorne (Campbell County).
- KY 2925
A - From the junction with US 27 at Low Gap to south Right-of-Way limits of KY 546; and from north Right-of-Way limits of KY 546 to the south city limits of Cold Spring (Campbell County).
- KY 2926
A - From the north city limits of Cold Spring near Holtz Drive, via Winters Lane to the junction with KY 8 at Brent (Campbell County).
- KY 2927
A - From the junction with Quisenberry Road near north side of I-64 extending easterly and parallel to I-64 for 0.313 mile (Montgomery County).
- KY 2928
A - From the junction with US 60 at north side of I-64 extending southwest and parallel to I-64 for 0.468 mile (Montgomery County).

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- ery County).
- KY 2929
A - From a point in Young Lane at south side of I-64, 0.62 mile northwest of US 460 extending east and parallel to I-64 for 0.210 mile (Montgomery County).
- KY 2930
A - From the junction with Grassy Lick Road at north side of I-64 extending east for 0.192 mile (Montgomery County).
- KY 2931
A - From a point on north side of I-64, 0.395 mile west of Grassy-Pruitt Road extending east and parallel to I-64 to a point 0.467 mile east of Grassy-Pruitt Road (Montgomery County).
- KY 2932
A - From a point 250 feet south of I-64 via Quisenberry Road to a point 950 feet north of I-64 (Montgomery County).
- KY 2933
A - From the junction with US 60 near north side of I-64 Interchange extending east and south for 0.032 mile (Carter County).
- KY 2934
A - From the junction with US 60 near north side of I-64 Interchange extending west and south for 0.028 mile (Carter County).
- KY 2935
A - From the junction with Old US 60 at Carter-Boyd County line extending northwest and parallel to exit ramp of I-64 for 0.282 mile (Boyd County).
- KY 2936
A - From the junction with county road at Keefer, via Keefer Road to the junction with US 25 north of Corinth (Grant County).
- KY 2937
A - From the junction with KY 22 at Twin Bridges via Chipman Ridge Road and Heekin Pike to the junction with US 25, 0.6 mile south of Hilltop (Grant County).
- KY 2938
A - From the junction with KY 546 north of Pooles Creek, via Pooles Creek Road #1, to the junction with US 27 in Cold Spring (Campbell County).
- KY 2939
A - From a point 1,117 feet west of center of bridge over southbound lanes of I-75 via Barnes Pike to a point 881 feet east of center of bridge over northbound lanes of I-75 (Grant County).
- KY 2940
A - From a point 1,100 feet west of I-75 via Baton Rouge Road to a point 800 feet east of I-75 (Grant County).
- KY 2941
A - From a point 350 feet east of I-75 via Bannister Pike to a point 870 feet west of I-75 (Grant County).
- KY 2942
A - From the junction with KY 1942 at Mt. Zion via Crittenden-Mt. Zion Road to the junction with US 25 north of Blackwell (Grant County).
- KY 2943
A - From the junction with KY 36 at west side of I-75 Interchange extending south and parallel to I-75 for 0.450 mile (Grant County).
- KY 2944
A - From the north city limits of Dry Ridge at a point on west side of I-75, extending north 0.889 mile (Grant County).
- KY 2945
A - From the junction with Sherman-Mt. Zion Road at west side of I-75 extending south and parallel to I-75 to a point on Cason Lane 0.622 mile south of beginning (Grant County).
- KY 2946
A - From Cason Lane at west side of I-75 extending south and parallel to I-75 for 0.523 mile (Grant County).
- KY 2948
A - From a point on west side of I-75, 1.570 miles south of Crittenden-Mt. Zion Road to a point on the west side of I-75, 0.767 mile north of Crittenden-Mt. Zion Road (Grant County).
- KY 2949
A - From the junction with KY 1112 north of Easterday, via South Fork-Whites Run Road, to the junction with US 42 west of Ghent (Carroll County).
- KY 2951
A - From the junction with KY 338 at Richwood Church, via Chambers Lane, to the junction with US 25 north of Walton (Boone County).
- KY 2952
A - From a point on southwest side of I-75, 1,474 feet south-east of L & N RR Bridge extending nw and parallel to I-75 to a point 500 feet northwest of L & N RR Bridge, and from a point 0.335 mile southeast of KY 14 to a point 0.250 mile southeast of KY 14 (Boone County).
- KY 2954
A - From the junction with KY 14 at west side of I-75 extending west for 0.244 mile to Stephenson Mill Road (Boone County).
- KY 2957
A - From a point on west side of I-75, 0.466 mile southeast of KY 18 extending northeast and parallel to I-75 to a point 0.376 mile northeast of KY 18 (Boone County).
- KY 2958
A - From a point on southwest side of I-75, 0.112 mile south-east of US 42 extending northwest and parallel to southwest ramp for I-75, thence northeast along northwest ramp to a point 0.203 mile northeast of US 42 (Boone County).
- KY 2959
A - From the junction with US 42 near southeast ramp of US 42 extending southeast and southwest to a point 0.402 mile from beginning (Boone County).
- KY 2960
A - From the junction with KY 2953 south of Florence at east side of I-75 extending north and parallel to I-75 for 0.640 mile (Boone County).
- KY 2961
A - From the junction with Sunset Drive in Highland Acres extending north to 0.227 mile to a point on Crescent Drive (Boone County).
- KY 2962
A - From the junction with KY 328 at west side of I-75 Interchange extending north and parallel to I-75 for 0.758 mile (Boone County).
- KY 2963
A - From the junction with Mt. Zion-Union Road at west side of I-75 extending south and parallel to I-75 for 0.729 mile (Boone County).
- KY 2964
A - From a point 100 feet southwest of KY 14 on Poole Road extending northeast across KY 14 for 359 feet (Boone County).
- KY 2965
A - From a point 600 feet south of I-75 via Beechwood Road to a point 400 feet north of I-75 (Kenton County).
- KY 2966
A - From a point 200 feet south of I-75 via Rivard Drive to a point 200 feet north of I-75 (Kenton County).
- KY 2967
A - From the junction with Pieck Lane in Ft. Mitchell via Orchard Road to Leslie Avenue (Kenton County).
- KY 2968
A - From the junction with KY 80, 4.0 miles east of Columbia, via Old White Oak Church Road and Powell Road, to a point 1.877 miles south of beginning (Adair County).
- KY 2969
A - From the junction with KY 206 near Christine, via Snake Creek Road extending northwest 2.222 miles to Burton Lane, CR 5112 (Adair County).

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- KY 2970
 A - From the junction with KY 206 at Pellyton, via Sanford Ridge Road, to the Casey County line (Adair County).
- KY 2971
 A - From the junction with KY 551, 3.6 miles north of Columbia, via Holmes Bend Road, to US Corps of Engineers property line north of Holmes (Adair County).
- KY 2972
 A - From the junction with KY 767, 3.7 miles north of Columbia, via Cane Valley-Milltown Road, to the junction with KY 55 near Cane Valley (Adair County).
- KY 2973
 A - From the junction with KY 80, 2.7 miles southwest of Columbia, via Paxton Road, to the junction with KY 61 (Adair County).
- KY 2974
 A - From the junction with Erlanger Road at north side of I-75 extending northeast to a point 3,980.7 feet northeast of beginning (Kenton County).
- KY 2975
 A - From the junction with KY 236 south of I-75 in Erlanger via Baker Street to Erlanger Road (Kenton County).
- KY 2976
 A - From the junction with Hartman Road north of I-75 in Erlanger extending southeast paralleling KY 236 for 418 feet (Kenton County).
- KY 2978
 AA - From the junction with KY 236 north of I-75 extending northeast via Hartman Road to Erlanger Road (Kenton County).
- KY 2979
 A - From the junction with Orchard Road at south side of I-75 in Fort Mitchell to a point 796.2 feet northeast of beginning (Kenton County).
- KY 2980
 A - From a point 0.238 mile southwest of I-75 via Eads Road to a point 0.151 mile northeast of I-75 (Kenton County).
- KY 2982
 A - From the junction with KY northeast of Gradyville, via Gradyville-Butler Fork-KY 61 Road, to the junction with KY 61 near Flatwoods (Adair County).
- KY 2984
 A - From the junction with KY 36 at Whites Run Church, via Dividing Ridge Road to the junction with KY 47 south of Tandy (Carroll County).
- KY 2985
 A - From the junction with KY 836 near east side of I-75 extending southeast via Marsh-Pemberton Road, to the junction with KY 26 at Mahan (Whitley County).
- KY 2986
 A - From the junction with US 25W, 0.8 mile south of Emlyn extending west under I-75 to a point 0.258 mile west of beginning (Whitley County).
- KY 2987
 A - From the junction with US 25W at southeast end of I-75 Interchange near Goldbug extending northeast for 0.262 mile (Whitley County).
- KY 2989
 A - From the junction with KY 1259 west of Corbin, via Browning Road, to the junction with KY 312 west of I-75 (Whitley County).
- KY 2994
 A - From the junction with Little Cane Creek Road at west side of I-75 extending south and parallel to I-75 for 0.371 mile (Whitley County).
- KY 2995
 A - From the junction with KY 2996 at west side of I-75 extending north and parallel to I-75 via Ellison Bend Road for 0.952 mile (Whitley County).
- KY 2996
 A - From the junction with US 25W at west side of I-75 extending north and parallel to I-75 to the junction with KY 625 (Whitley County).
- KY 2997
 A - From the Trimble County line east of I-71, via Mill Creek Road to the junction with KY 389 east of English (Carroll County).
- KY 2998
 A - From the junction with KY 1804 at west side of I-75 extending south and parallel to I-75 for 0.691 mile (Whitley County).
- KY 3002
 A - From the junction with US 127 south of Sugar Creek Church, via Big Sugar Road, to the junction with KY 16 at Napoleon (Gallatin County).
- KY 3003
 A - From the junction with US 62 at Oddville, via Beaver Baptist-Duckworth Road to the junction with Smitsonville Road at Baptist (Harrison County).
- KY 3004
 A - From the junction with KY 1744 near Kelat to the junction with KY 1053 near the Pendleton County line (Harrison County).
- KY 3005
 AAA - From the junction with US 62, southwest of Elizabethtown, to the junction with US 31W, north of Elizabethtown.
 A - From the junction with US 31W to the junction with US 62 near the northeast city limits of Elizabethtown.
- KY 3006
 A - From a point 1,400 feet northwest of Parker Road on east side of I-75 extending north along I-75 for 0.109 mile (Laurel County).
- KY 3007
 A - From the junction with Parker Road at west side of I-75 extending north along I-75 to a point 0.3 mile north of Stinking Creek Road (Laurel County).
- KY 3008
 A - From the junction with US 25 near Hare, extending northwest along I-75 to a point 0.190 mile northwest of US 25 (Laurel County).
- KY 3009
 A - From the junction with KY 2041 on west side of I-75 extending northwest and parallel to I-75 for 0.348 mile (Laurel County).
- KY 3010
 A - From the junction with US 25 on east side of I-75 extending north along I-75 then easterly for 0.424 mile (Laurel County).
- KY 3011
 A - From the junction with KY 80 at southeast side of I-75 extending northwest and parallel to I-75 for 0.290 mile (Laurel County).
- KY 3012
 A - From the junction with KY 192 at west side of I-75 extending northeast for 0.077 mile (Laurel County).
- KY 3013
 A - From the junction with KY 192 at east side of I-75 extending northwest for 0.098 mile (Laurel County).
- KY 3014
 A - All state maintained streets south of KY 66 and KY1482 in Oneida (Clay County).
- KY 3015
 A - All state maintained streets south and north of US 421 in Cawood (Harlan County).
- KY 3016
 A - From the junction with US 27 in Cynthiana, via Old Leesburg Pike and River Road, to the junction with KY 36 in Cynthiana (Harrison County).
- KY 3017
 A - From the junction with KY 15 at Westbend extending east over Mountain Parkway for 0.199 mile (Powell County).
- KY 3018

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- A - From the junction with KY 32, 2.0 miles east of Connersville, via Mill Creek Road, to the junction with KY 356 at White Oak Church (Harrison County).
- KY 3019
 - A - From the junction with KY 15 near Wolfe County line via Tunnel Ridge Road to a point 0.223 mile north of beginning (Powell County).
- KY 3020
 - A - From a point 990 feet south of Mountain Parkway via Hutton Creek Road to a point 800 feet north of Mountain Parkway (Powell County).
- KY 3024
 - A - From junction KY 15, 1.6 miles east of Bowen extending northwest under the Mountain Parkway to Frontage Road No. 1 (Powell County).
- KY 3033
 - A - From the junction with KY 1812 at north side of Mountain Parkway extending east along the Parkway via Landsaw-Johnson Fork Road for 1.989 miles (Wolfe County).
- KY 3034
 - A - From a point 250 feet southeast of Mountain Parkway via Leslie Hollow Road to a point 152 feet northwest of Mountain Parkway (Wolfe County).
- KY 3039
 - A - From the junction with Quillan Chapel Road at north side of Mountain Parkway to a point 0.839 mile east of beginning (Wolfe County).
- KY 3040
 - A - From the junction with KY 15 at south side of Pine Ridge Interchange extending east for 0.506 mile (Wolfe County).
- KY 3044
 - A - From the junction with KY 1842 at Lees Lick, via Jacobs Lane and Coppage Pike, to the junction with KY 32, 1.9 miles southwest of Connersville (Harrison County).
- KY 3045
 - A - From the junction with KY 558, 0.2 mile south of Watauga, via Nett Denny Road, extending east 2.4 miles to end of state maintenance (Clinton County).
- KY 3046
 - A - From a point 437 feet south of Mountain Parkway via Cow Creek Road to a point 2,063 feet north of Mountain Parkway (Magoffin County).
- KY 3047
 - A - From a point 550 feet south of Mountain Parkway via Cutuno Road to the junction with KY 134 at north side of the Parkway (Magoffin County).
- KY 3048
 - A - From the junction with Mountain Parkway at KY 114 extending south then west along the Parkway for 0.233 mile (Magoffin County).
- KY 3049
 - A - From a point 500 feet south of Mountain Parkway via Long Branch Road to the junction with KY 134 at north side of the Parkway (Magoffin County).
- KY 3050
 - A - From a point 353 feet south of Mountain Parkway via Right Fork Road to a point 865 feet north of Mountain Parkway at Gullett (Magoffin County).
- KY 3051
 - A - From the junction with US 23 south of Auxier to the junction with KY 1428 near the Johnson County line (Floyd County).
- KY 3052
 - A - From the junction with KY 1751 near the north city limits of Madisonville to the east property line of Madisonville Community College (Hopkins County).
- KY 3053
 - A - From the junction with KY 591 in Adairville via Church Street and Park Street to US 431 (Logan County).
- KY 3054
 - AAA - From the junction with KY 1954, via Lane Road to the Paducah KYDOT repair garage (McCracken County).
- KY 3055
 - A - From the junction with US 25 at west side of I-75 extending westerly to White Hall State Shrine entrance (Madison County).
- KY 3058
 - A - From the junction with west leg of Wye at KY 80 in Columbus via Hoover Parkway to KY 80 (Hickman County).
- KY 3059
 - A - From a point 1,000 feet northwest of Western Kentucky Parkway via Wells Road to the junction with US 41A near south side of Western Kentucky Parkway (Hopkins County).
- KY 3060
 - A - From the junction with US 42, 0.4 mile south of Union, to the junction with US 25, 0.8 mile north of Richwood (Boone County).
- KY 3061
 - A - From the junction with KY 944 near Jackson Chapell to the junction with KY 307 at Nichols in Hickman County.
- KY 3062
 - A - From the junction with KY 734 near Snow, via Seventy Six Falls and Pony Ridge Roads, to junction KY 90 (Clinton County).
- KY 3063
 - A - From the junction with US 127 at Desda, via Desda-Wells Bottom Road, to the Wells Bottom Road (Clinton County).
- KY 3064
 - A - From the junction with 22nd Street in Louisville via Portland Avenue and Northwestern Parkway to 38th Street (one-way westbound).
- KY 3065
 - A - From the junction with KY 738, via Martha Stockton Road, to the junction with KY 553 (Clinton County).
- KY 3066
 - A - From the junction with KY 1576 at Huntersville to the junction with US 127, 1.0 mile south of Bug (Clinton County).
- KY 3067
 - A - From the junction with US 60 west of Owensboro to the junction with Medley Road at the entrance to Hawes State Park (Daviess County).
- KY 3068
 - A - From the junction with KY 1812 at Main and Washington Streets in Jackson to the junction with KY 15 at Miller Branch (Breathitt County).
- KY 3069
 - AAA - From the junction with KY 864 (Poplar Level Road), 0.2 mile south of I-264 in Louisville to District 5 highway garage (Jefferson County).
- KY 3070
 - AA - From the junction with KY 355 in Gratz via Brown Street to the junction with KY 22 (Owen County).
- KY 3071
 - A - From the junction with KY 7, 2.9 miles east of Colson to a point 0.346 mile southwest of beginning (Letcher County).
- KY 3072
 - A - From the junction with KY 17 at Atwood, via Hempfling Road, to the junction with KY 14 north of Cruises Creek bridge (Kenton County).
- KY 3074
 - A - From the junction with US 45 south of I-24 via the Bleich Road to the junction with KY 994, south of I-24 (McCracken County).
- KY 3075
 - A - From the junction with KY 1954, via Lydon Road and the Sheehan Bridge Road to the junction with KY 131 near Reidland.
- KY 3076
 - A - From the junction with KY 236, via Mineola Pike to the junction with KY 1017 (Boone County).
- KY 3077

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- AAA - From 7th Street along River Road to Preston Street in Louisville (Jefferson County).
- KY 3078
AAA - From north side of KY 1065, 800 feet east of National Turnpike to a point 100 feet west of L & N RR (Jefferson County).
- KY 3079
AAA - From south side of KY 1065, 800 feet east of National Turnpike to a point 0.129 mile east of beginning (Jefferson County).
- KY 3080
AAA - From a point 0.072 mile southwest of KY 3078 to KY 3078, 800 feet west of L & N RR (Jefferson County).
- KY 3081
A - From the junction with KY 3072, via Oak Island Road to the junction with KY 2042 at Oak Island Church (Kenton County).
- KY 3082
AAA - From 38th Street in Louisville, via Bank Street one-way east bound to US 150 (22nd Street).
- KY 3083
A - From the junction with KY 2046 north of Grant County line, via Parker Grove Road to the junction with KY 14 southwest of Piner (Kenton County).
- KY 3084
A - From the junction with KY 1017 near the Boone County line on east side of I-275, via Dolvick Road for 0.433 mile (Kenton County).
- KY 3090
AAA - From the junction with KY 2374 westbound, via Philadelphia Street, to the junction with KY 8 at 3rd Street in Covington (Kenton County).
- KY 3091
A - From the junction with KY 1303 south of Elsmere, via Independence Station Road to the junction with KY 17 in Independence (Kenton County).
- KY 3092
AAA - From the junction with KY 271 near Petri, extending north and northeast to the junction with KY 334 (Hancock County).
- KY 3093
A - From the junction with Bethel Lane near south side of I-64, extending westerly 0.522 mile (Fayette-Scott Counties).
- KY 3094
AAA - From the junction with KY 30 west of Jackson to Broadway in Jackson (Breathitt County).
- KY 3095
A - From the junction with US 127 north of Owenton, via Fairgrounds-Old Sweet Owen Road, to the junction with KY 22, 1.1 miles west of Sweet Owen (Owen County).
- KY 3096
A - From the junction with KY 330, 1.2 miles west of Grant County line, via Fortner Ridge Road, to the junction with KY 22, at Needmore (Owen County).
- KY 3097
A - From the junction with KY 2487 in Stanton via Adkins Avenue to the junction with KY 2486 (Powell County).
- KY 3098
A - From the junction with Milder Creek Road at Roachville in Green County to the junction with KY 3183, 2.5 miles southwest of Campbellsville in Taylor County.
- KY 3099
A - From the junction with KY 987, 1.7 miles southwest of Cawood (Harlan County), to Cranks Creek Lake.
- KY 3100
A - From the junction with Ky 690 near Mook to a point 0.057 mile east of the beginning (Breckinridge County).
- KY 3101
AAA - From the junction with US 60 west of Hawesville, via Harrison and Main Street in Hawesville to the junction with KY 69 (Hancock County).
- KY 3102
A - From the junction with US 127 south of Bromley, via Stewart Ridge Road, to the junction with KY 36 at the Grant County line (Owen County).
- KY 3103
A - From the junction with KY 227 at East Eagle, via Swope-Natlee Road to the junction with KY 1883, 3.0 miles northwest of Natlee (Owen County).
- KY 3104
A - From the junction with KY 485 north of Tanbark, via Gaines Hill-Pleasant Hill-Whites Bottom Road, to another junction with KY 485 north of Ellington (Cumberland County).
- KY 3105
A - From junction KY 225 southeast of Barbourville to the junction with US 25E near the south city limits of Barbourville (Knox County).
- KY 3106
AAA - From the junction with KY 1275 in Monticello to the junction with KY 1808 near Steubenville (Wayne County).
- A - From the junction with KY 1808 near Steubenville, via Cooley Lane to the junction with KY 1275, 1.9 miles northeast of Monticello (Wayne County).
- KY 3107
A - From the junction with KY 1653, 0.2 mile northwest of KY 191 in Campton, to the Wolfe County Elementary School (Wolfe County).
- KY 3108
A - From the junction with KY 953 at Littrell, extending southeast and via Cherry Tree Ridge Road to the B.W. Long Road, a distance of 4.9 miles (Cumberland County).
- KY 3115
A - From the junction with KY 100, 0.3 mile west of Mud Camp Church, via Grey Branch Marrowbone road, to the junction with KY 90 at Marrowbone (Cumberland County).
- KY 3116
A - From the junction with US 23 south of Lloyd, via Lloyd, to the junction with US 23 0.6 mile north of Grays Branch (Greenup County).
- KY 3126
A - From the junction with KY 2558 (W. Clay Avenue) in West Van Lear, via 7th Street to the junction with KY 2558 (Johnson County).
- KY 3127
A - From the junction with KY 302 in West Van Lear via 6th Street to the junction with KY 2558 (Johnson County).
- KY 3128
A - From the junction with KY 302 in West Van Lear via 5th Street to the junction with KY 2558 (Johnson County).
- KY 3129
A - From the junction with KY 302 in West Van Lear via 4th Street to the junction with KY 2558 (Johnson County).
- KY 3130
A - From the junction with KY 302 in West Van Lear via McCue Street to Buckingham Avenue (Johnson County).
- KY 3131
A - From the junction with KY 302 in West Van Lear via Stafford Street to Buckingham Avenue (Johnson County).
- KY 3132
A - From the junction with KY 2558 (E. Clay Street) in West Van Lear via 2nd Street to Buckingham Avenue (Johnson County).
- KY 3139
A - From the junction with KY 230 in Concordia, via Main Street to a point 0.202 mile northwest of beginning (Meade County).
- KY 3140
AAA - From the junction with KY 61 north of Burkesville, via Little Renox Road, to the junction with KY 61 at Becks Store (Cumberland County).
- KY 3141
AAA - From the junction with US 45 in Mayfield, via Crittenden

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- Lane, to the KYDOT maintenance garage entrance (Graves County).
- KY 3142
 AAA - From the junction with KY 1728 (W. Moore Street,) in Clinton, via Angular Street, to KYDOT maintenance garage entrance (Hickman County).
- KY 3143
 A - From the junction with US 231 near the southeast city limits of Owensboro, via Foors Lane and Fairview Drive, to the junction with KY 54 east of Owensboro in Daviess County.
- KY 3144
 A - From the junction with KY 163 southeast of Tompkinsville, via Cap Harlan Road to the junction with KY 100 in Tompkinsville (Monroe County).
- KY 3146
 A - From the junction with KY 1880, via String Ridge Road, to the H.C. Parrish Road, 0.3 mile west of Parrish Chapel (Cumberland County).
- KY 3147
 A - From the junction with KY 1017, via O'Hara Road, to the junction with KY 236 (Boone County).
- KY 3149
 A - From the junction with KY 177 northeast of Butler, via Old US 27 Loop One Road, to the junction with US 27 (Pendleton County).
- KY 3151
 A - From the junction with US 25E near Ferndale, via Knuckle Cemetery Road, to the junction with KY 1534 (Bell County).
- KY 3152
 A - From the junction with US 119 at Wilhoit, via Keith-Tremont Road to another junction with US 119, 0.3 mile southwest of Keith (Harlan County).
- KY 3154
 A - From the junction with US 119 near Canada extending south 2.801 miles to Benton Branch Road (Pike County).
- KY 3155
 A - From the junction with KY 864 (Poplar Level Road) via Durrett Lane to Gardiner Lane (Jefferson County).
- KY 3156
 A - From the junction with KY 90, 0.8 mile northwest of Snow, via Snow to the junction with KY 2063 (Clinton County).
- KY 3158
 A - From the junction with US 41A at South Drive in Madisonville to the junction with US 41A at Country Club Lane (Hopkins County).
- KY 3159
 A - From the junction with KY 481 in Madisonville to a point 0.042 mile west of the beginning (Hopkins County).
- KY 3161
 A - From the junction with US 68 in Greensburg, via Milby Street, to Industrial Road (Green County).
- KY 3162
 A - From the junction with US 27, 0.3 miles north of KY 177, extending northeast to the junction with KY 154, 1.7 miles west of Peach Grove (Pendleton County).
- KY 3164
 A - From the junction with KY 55 at the south city limits of Springfield extending south 0.691 mile (Washington County).
- KY 3165
 A - From the junction with KY 55, 1.1 miles south of south city limits of Springfield extending south 1.022 miles (Washington County).
- KY 3166
 A - From the junction with KY 55 near north city limits of Lebanon to another junction with KY 55, 0.325 mile north of beginning (Marion County).
- KY 3167
 A - From the junction with KY 109 northwest of Providence, extending southeast 0.211 mile to another junction with KY 109 (Webster County).
- KY 3168
 A - From the junction with KY 18 at Limaburg to the junction with KY 237 near Conner Junior High School (Boone County).
- KY 3169
 A - From the junction with US 641 northeast of Eddyville, via the New Bethel Church Road to the Eddyville Prison Farm boundary in Lyon County.
- KY 3170
 A - From the junction with KY 11, southeast of Lewisburg, via Lewisburg to the junction with KY 419, northwest of Lewisburg (Mason County).
- KY 3171
 A - From the junction with US 62 near the west side of the Western Kentucky Parkway Interchange, via Beck Road to the south gate of the Eddyville Prison Farm in Lyon County.
- KY 3173
 A - From the junction with KY 159 northeast of Falmouth, via Falmouth-Brooksville Road to the junction with KY 22 east of Falmouth (Pendleton County).
- KY 3175
 A - From the junction with KY 157, 0.3 mile north of Sulphur to the junction with US 42 south of Bedford (Henry-Trimble Counties).
- KY 3176
 A - From the junction with US 42 near Millers Branch, via Bells Ridge Road, to the junction with KY 1226 at Monitor (Trimble County).
- KY 3179
 A - From the junction with KY 87, northwest of Tracy, via Oil Well Road to the junction with KY 1318, 1.5 miles southwest of Roseville (Barren County).
- KY 3180
 A - From the junction with KY 1053, 1.8 miles northwest of Harrison County line to the junction with KY 1054, 0.7 miles south of Morgan (Pendleton County).
- KY 3182
 A - From the junction with KY 79 at Dimple, via Needmore-Dimple Road to the junction with KY 1083 at Needmore (Butler County).
- KY 3183
 A - From the junction with KY 55 near Burdick and via Columbia Avenue, Meader Street and Hodgenville Road in Campbellsville to the junction with KY 210, northwest of Campbellsville (Taylor County).
- KY 3184
 A - From the junction with KY 467 southwest of Portland, via Gardnersville-Portland Road, to the junction with KY 491 at Gardnersville (Pendleton County).
- KY 3185
 A - From the junction with KY 17 at Greenwood, via Butler-Greenwood Road to the junction with KY 177 south of Butler (Pendleton County).
- KY 3188
 A - From the junction with KY 80 near Warco and looping northward to another junction with KY 80 near Alphoretta (Floyd County).
- KY 3190
 A - From the junction with KY 1428 (Main Street) in Martin, via Water Street and several unnamed streets, to the junction with KY 80 near northwest city limits of Martin (Floyd County).
- KY 3191
 A - From the junction with US 231, west of Green River Parkway to the junction with Glen Lily Road (Warren County).
- KY 3192
 A - From the junction with KY 1633 at Elk Creek to the junction with KY 155 at Wilsonville (Spencer County).

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- KY 3193
A - From the junction with KY 30 northwest of Jackson, via Wolverine Road, to the junction with KY 15 near Five Mile (Breathitt County).
- KY 3194
A - From the junction with KY 1088 northeast of Combs to the Hazard Airport (Perry County).
- KY 3195
A - From beginning of state maintenance at a point 0.110 mile west of KY 699, via Owens Branch Road, to end of state maintenance at a point 0.091 mile west of KY 699 at Slemp (Perry County).
- KY 3197
A - From beginning of state maintenance at a point 0.035 mile south of KY 15, via Georges Branch Road, to end of state maintenance at a point 0.009 mile south of KY 15, 0.5 mile southwest of Vicco (Perry County).
- KY 3198
A - From the junction with US 62 at Kentontown, via Louderback Lane, to the junction with 1504 (Robertson County).
- KY 3201
A - From the junction with US 60 in Ashland, via East 13th Street Bridge Service Road, to the junction with US 23 at Greenup Avenue and includes the one-way couplet of the West 13th Street Bridge Service Road from Greenup Avenue to Winchester Avenue (Boyd County).
- KY 3204
From the junction with KY 61 northwest of Hodgenville to the junction with KY 210 in Hodgenville (Larue County).
- KY 3205
A - From the junction with KY 1187 at Silver city, via Silver City-South Hill Road to the junction with KY 70 west of South Hill (Butler County).
- KY 3206
AAA - From Dover Avenue (KY 1230), via Cane Run Road, to a point 0.235 mile east of beginning (Jefferson County).
- KY 3207
A - From the junction with KY 509 at Samuels to the junction with KY 523 southeast of Deatsville (Nelson County).
- KY 3208
A - From the junction with KY 1430 northwest of Bardstown, extending northwest and parallel to west side of KY 245 to the junction with KY 245 (Nelson County).
- KY 3209
A - From the junction with KY 1087, 0.5 mile east of Talcum, extending east 0.4 mile to the junction with KY 80 (Knott County).
- KY 3210
A - From the junction with KY 224, southeast of Clarkson, via Fragrant to a point 0.3 miles south of Fragrant (Grayson County).
- KY 3211
A - From the junction with KY 527, 2.6 miles north of Campbellsville to the junction with US 68 at Arista (Taylor County).
- KY 3212
A - From the junction with KY 210 northwest of Campbellsville, via Harding Cemetery Road to the junction with KY 527 (Taylor County).
- KY 3213
A - From the junction with KY 3183, 0.5 mile south of Campbellsville, via Beard-Gaines Road, extending southeast 0.236 mile (Taylor County).
- KY 3214
A - From the junction with KY 172 near Redbush, extending south via Elna, to US Government property line at Little Paint Creek (Johnson County).
- KY 3216
AAA - One-way northbound via 38th Street from Bank Street to Northwestern Parkway in west Louisville.
- KY 3217
AAA - One-way southbound via 37th Street from Northwestern Parkway to Bank Street in West Louisville.
- KY 3218
AAA - From the junction with US 31E in Glasgow, via Trojan Trail, to the junction with KY 249 (Barren County).
- KY 3219
A - From the junction with KY 61 at Bardstown Junction, via Chapeze Road, to the junction with KY 245 (Bullitt County).
- KY 3220
A - From the junction with KY 1303 in Crestview Hills, via Thomas More Parkway, to end of state maintenance at entrance to Street Elizabeth Hospital parking lot (Kenton County).
- KY 3221
A - From the junction with KY 208 near Lebanon National Cemetery, via Country Club Drive to the junction with KY 49 in Lebanon (Marion County).
- KY 3222
A - From the junction with US 42 near northwest city limits of Prospect, via Rose Island Road to the junction with KY 1793 (Jefferson-Oldham Counties).
- KY 3223
A - From the junction with KY 53, 1.3 miles north of LaGrange, via Sligo Road to the junction with US 42, 1.1 miles west of Henry County Line (Oldham County).
- KY 3224
A - From the junction with KY 581 at River, via Wiley Creek Road, to the junction with US 23 near the Lawrence County line (Johnson County).
- KY 3225
A - From the junction with S 31W at First Avenue in Bowling Green, via Old Louisville Road to another junction with US 31W in Bowling Green, 1.2 miles north of beginning (Warren County).
- KY 3226
A - From the junction with US 460, 0.6 mile northwest of Justiceville extending south 3.348 miles to Gardiner Fork Road at Greasy Creek (Pike County).
- KY 3227
A - From the junction with US 23 at Coal Run via Clevingers Store to the junction with KY 194 at Mayflower (Pike County).
- KY 3228
A - From beginning of state maintenance at barricade at Corps of Engineers property line, extending eastward and including a realigned connector to KY 248, to the junction with KY 248 near Brier Ridge (Spencer County).
- KY 3230
A - From beginning of state maintenance at New Possum Ridge State Park Service Road entrance to the junction with KY 248, 1.8 miles northwest of Brier Ridge (Spencer County).
- KY 3233
AAA - From the junction with US 68 near west city limits of Russellville, via Industrial Road to the junction with US 79 (Logan County).
- KY 3234
A - From the junction with KY 640 south of Cumberland Parkway, to the junction with US 68 south of Cumberland Parkway (Metcalfe County).
- KY 3235
A - From the junction with KY 236 near northwest limits of I-75 interchange, extending south along Holly Avenue for 0.304 mile (Kenton County).
- KY 3237
A - From the junction with KY 30, 1.0 mile southwest of Shoulderblade, via Canoe, to the junction with KY 1110 near Sulphur Gap (Breathitt County).
- KY 3239
A - From the junction with KY 32, 1.2 miles southeast of Flemingsburg, extending south 0.132 mile to dead-end

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- (Fleming County).
- KY 3241
 A - From the junction with KY 1638, 1.2 miles east of Lick Skillet, via Otter Creek Park Road to the Otter Creek Park Restaurant and Lodge (Meade County).
- KY 3243
 A - From the junction with KY 922 at north limits of KY 4, extending southeast for a distance of 0.109 mile (Fayette County).
- KY 3244
 A - From the junction with KY 1781 at Broughtontown, via Brock Road, extending southeast 1.2 miles (Lincoln County).
- KY 3245
 A - From the junction with KY 39, 0.8 mile south of Albright, via Negro Creek Road, to the junction with US 150 south of Brodhead (Lincoln-Rockcastle Counties).
- KY 3246
 A - From the junction with KY 39 north of Crab Orchard, via Fall Lick Road, to the Garrard County Line (Lincoln County).
- KY 3247
 A - From the junction with KY 590 at Hubble, via Hubble Road, to the junction with KY 590 north of Hubble (Lincoln County).
- KY 3248
 A - From the junction with US 150 northwest of Stanford, via Carmons Road, to the junction with KY 590 near Hubble (Lincoln County).
- KY 3249
 A - From the junction with KY 698, 1.1 mile northeast of Miracle, via Skyline Road, to the junction with US 27 near Halls Gap (Lincoln County).
- KY 3250
 A - From the junction with KY 198 at McKinney to the junction with KY 78 at Chicken Bristle (Lincoln County).
- KY 3251
 A - From the junction with KY 92 at Pine Knot, extending west via Hickory Grove-Pine Knot Road, to a point 0.735 mile west of Tom Meadows Road (McCreary County).
- KY 3252
 A - From the junction KY 592 near Pine Knot, via Poplar Ford Road, to the junction with KY 92 (McCreary County).
- KY 3253
 A - From the junction with KY 1651 in Whitley City, via College Street and Jennys Branch Road, to the junction with KY 700 (McCreary County).
- KY 3254
 A - From KY 90, via Vanover Ridge Road, to end of state maintenance at a point 0.105 mile west of Lake Road (McCreary County).
- KY 3255
 A - From the junction with KY 90, 0.4 mile southwest of Pleasant Knob Church, via Freeman Prong Road, extending southeast 0.97 mile (McCreary County).
- KY 3256
 A - From the junction with KY 3257, via Funston-Goodin Ridge Road, to the Bowman Ridge Road at Funston (McCreary County).
- KY 3257
 A - From the junction with KY 90 at BeeRock, via Eagle Creek Road, to the junction with KY 896 (McCreary County).
- KY 3258
 A - From the junction with KY 1363 at Dobbs Hill, via Rattlesnake Ridge Road, to the junction with KY 1363, 1.2 miles northeast of OZ (McCreary County).
- KY 3259
 A - From the junction with KY 92 at Stearns, via Winchester Road, to the junction with KY 1651 (McCreary County).
- KY 3260
 A - From the junction with KY 80 Bypass in Somerset, via Pump House Road to the junction with KY 80 at Sugar Hill (Pulaski County).
- KY 3261
 A - From the junction with KY 1577 at Oak Hill, via Oak Hill-Saline Road to the junction with KY 80, west of Somerset (Pulaski County).
- KY 3262
 A - From the junction with KY 196 at Faubush, via Faubush Road, to the junction with KY 80 near Chesterview Church (Pulaski County).
- KY 3263
 A - From the Cumberland Parkway near northwest city limits of Somerset, via Ringold Road, to a point 0.66 mile west of C. Spears Road (Pulaski County).
- KY 3264
 A - From the junction with KY 1676 at Hogue, via Hogue-Berthelridge Road, to the Casey County line (Pulaski County).
- KY 3266
 A - From the junction with KY 635, via Old Stilesville-North Road, to the junction with KY 452, 0.8 mile east of Etna (Pulaski County).
- KY 3267
 A - From the junction with KY 70, 1.0 mile east of Bandy, via Arnie Gentry Road, to the junction with KY 39, 0.4 mile south of Bee Lick (Pulaski County).
- KY 3268
 A - From the junction with KY 461 at Elrod, via Elrod Road, to the junction with KY 934, 0.8 mile east of Elgin (Pulaski County).
- KY 3269
 A - From the junction with KY 192, 1.3 miles northwest of Sears, via Poplarville-Dykes Road, extending southwest to a point 0.016 mile north of Old Hail-Meece Road (Pulaski County).
- KY 3265
 A - From beginning of state maintenance, 0.982 mile west of Clarence Capes Road, via Melson Ridge Road, to the Russell County line (Adair County).
- KY 3270
 A - From the junction with KY 198 northeast of Middleburg, via Indian Creek Road, to the junction with KY 501 southwest of Duncan (Casey County).
- KY 3272
 A - From the junction with KY 206 near the Adair County line, via Riffe Road, to the junction with KY 1640 (Casey County).
- KY 3273
 A - From the junction with US 461 at Level Green to the junction with KY 328, 1.5 miles west of Quail (Rockcastle County).
- KY 3274
 A - From the junction with US 25, southwest of Mt. Vernon, via Old Chestnut Ridge School Road, Well-Hope School Road to a point 0.314 mile north of Old East Fork Road (Rockcastle County).
- KY 3275
 A - From the junction with US 25, 1.3 miles southwest of Roundstone, via Hurricane School Road, to the junction with KY 1505 (Rockcastle County).
- KY 3276
 A - From the junction KY 328 at Waynesburg, via Jacobs Loop South Road, to the junction with US 27 (Lincoln County).
- KY 3277
 A - From the junction with KY 196 at Jabez, via Jabez-Cane Creek Road, to a point 0.743 mile southwest of Dudley Creek Road (Russell County).
- KY 3278
 A - From the junction with KY 76 at Dallo, via Rexroat-Butcher Road, to the junction with KY 910 (Russell County).
- KY 3279

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- A - From the junction with KY 619 at Russell Springs, via Dowell Road to the junction with KY 80 (Russell County).
- KY 3280
 - A - From the Adair County line, west of Dent, to the junction with US 127 in Russell Springs near Russell County High School (Russell County).
- KY 3281
 - A - From the junction with KY 2284 at Sewellton, via Old Columbia-Creelsboro and Warner Ridge Roads to the junction with KY 379 (Russell County).
- KY 3282
 - A - From the junction with KY 90 at Touristville, via Carr Road to west side of Mystic View Road (Wayne County).
- KY 3283
 - A - From the junction with KY 833 near Rogers Grove, via Normans Ferry Road, to a point 0.818 mile north of Sallee Burnett Road (Wayne County).
- KY 3284
 - A - From the junction with KY 90 in Monticello, via White Way Inn Road, to the junction with KY 92 near Mt. Zion Church (Wayne County).
- KY 3285
 - A - From the junction with KY 776 at Elk Ridge Church, via Spann-Elk Ridge Road, to the junction with KY 1275 at Spann (Wayne County).
- KY 3286
 - A - From the junction with KY 92 at Kidds Crossing, via Kidds Crossing-Ritner Road, extending northeast 1.8 miles (Wayne County).
- KY 3287
 - A - From the junction with KY 200, 0.3 mile south of Pleasant Hill Church, via Catron Hollow Road, extending west 0.947 mile (Wayne County).
- KY 3288
 - A - From the junction with KY 36 east of Sharpsburg, via Flat Creek Road, to the junction with KY 1106 south of Bethel (Bath County).
- KY 3289
 - A - From the Montgomery County line, via Springfield Road, to the junction with KY 11 south of Sharpsburg (Bath County).
- KY 3290
 - A - From the junction with KY 36 near Olympia Springs, via Mud Lick Road, to the junction with KY 211, south of Salt Lick (Bath County).
- KY 3291
 - A - From the junction with KY 180, north of I-64, extending north to the junction with US 60 at Meads (Boyd County).
- KY 3292
 - A - From the junction with KY 716 in Summit, via Roberts Drive to the junction with KY 766 near southwest city limits of Ashland (Boyd County).
- KY 3293
 - A - From the junction with KY 5 south of Whitby, via Little Gardner-Molsruger Road, to the junction with KY 716 in Summit (Boyd County).
- KY 3294
 - AAA - From the junction with US 23 in Catlettsburg, via 36th Street and Race Street, to the junction with 35th Street (Boyd County).
 - A - From 35th Street in Catlettsburg, via old US 60 through Catlettsburg, to the junction with US 23 near north city limits of Catlettsburg (Boyd County).
- KY 3295
 - A - From the junction with KY 182 at Whitt, via Rattlesnake Ridge Road, to the junction with KY 7 (Carter County).
- KY 3296
 - A - From the junction with KY 174 at Soldier, via Soldier-Trumbo Road to the junction with US 60 near the Rowan County line (Carter County).
- KY 3297
 - A - From the junction with US 60 in Grayson via the Old US 60 Loop to the junction with US 60 east of Grayson (Carter County).
- KY 3298
 - A - From the junction with KY 182, 0.8 mile south of Grahns, via Mountain Top to the junction with US 60, 1.6 miles west of Counts Crossroads (Carter County).
- KY 3299
 - A - From the junction with KY 57 south of Dalesburg, via Harn Road, to the junction with KY 597 (Fleming County).
- KY 3300
 - A - From the junction with KY 1784 (Coffee Tree Road) to entrance to the Water Filtration Plant (Franklin County).
- KY 3301
 - A - From the junction with KY 57 northeast of Flemingsburg, via Flemingsburg-Beechburg Road and the Beechburg-Wallingford Road, to the junction with KY 559 west of Wallingford (Fleming County).
- KY 3302
 - A - From the junction with KY 1013 at Muses Mills, via Muses Mills-Ryan Road, to a point 3.535 miles northeast of beginning (Fleming County).
- KY 3303
 - A - From the junction with KY 32 at Plummers Mill, via Indian Creek Road, to the junction with KY 1013 (Fleming County).
- KY 3304
 - A - From the junction with KY 158, 1.4 miles southeast of Ringos Mills, extending southwest via Happy Hollow-Hunt Road and Storey Branch Road for a distance of 3.074 miles (Fleming County).
- KY 3305
 - A - From the junction with KY 93 in Eddyville, via the Elkhorn Tavern Road and Riley Road to the junction with US 62 at Fairview in Lyon County.
- KY 3306
 - A - From the junction with KY 1 at Anglins, via Tunnel Branch Road, to the junction with KY 207 near Hunnewell (Greenup County).
- KY 3307
 - A - From the junction with KY 2 near Kraut, via Greenup-Alcorn Branch Road, to the junction with US 23 northwest of Greenup (Greenup County).
- KY 3308
 - A - From the junction with KY 784 at Walsh, via Schultz Lane, to the junction with KY 7 near Maloneton (Greenup County).
- KY 3309
 - A - From the junction with KY 964 at Fearisville, via Trinity Station-Fearisville and the Chalk Ridge Road, to the junction with KY 984 at McKenzie (Lewis County).
- KY 3310
 - A - From the junction with KY 344 at Hilda, via Toller Branch-Mt. Zion Ridge Road, to the junction with KY 989 (Lewis County).
- KY 3311
 - A - From the junction with KY 784 at the Greenup County line, via Montgomery Creek Road, to the junction with KY 10 northeast of Garrison (Lewis County).
- KY 3312
 - A - From the Bracken County line, via Augusta-Dover Road, to the junction with KY 324, 0.8 mile southwest of Dover (Mason County).
- KY 3313
 - A - From the Fleming County line, via Taylor Mill Road, to the junction with KY 1448 near Samo (Mason County).
- KY 3314
 - A - From the junction with KY 1244 north of Barterville, via Rose Hill Road, to another junction with KY 1244 at Clayton (Nicholas County).
- KY 3315
 - A - From the junction with KY 57 at Sprout, via Cassidy Creek

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- Road, to the junction with KY 32 at Myers (Nicholas County).
- KY 3316
A - From the junction with KY 13 at Taylor, via concord-Taylor's Creek and Jacktown Roads, to the junction with KY 36 in Carlisle (Nicholas County).
- KY 3317
A - From the junction with KY 1167 near Oak Grove Church, via Clack Mountain-Elliottsville Road, to the junction with KY 32 at Elliottsville (Rowan County).
- KY 3318
A - From the junction with KY 32, 0.5 mile west of Vale, via Open Fork-Mill Branch Road, to the junction with KY 174 at Haldeman (Rowan County).
- KY 3319
A - From the junction with US 60 at Lakeview Heights, via Bluestone-Bratton and Skaggs Roads, to the junction with KY 32 near I-64 (Rowan County).
- KY 3320
A - From the junction with KY 712 near Tarascon, via Mt. Olive Road to the junction with KY 146 west of I-71 (Henry County).
- KY 3321
A - From the junction KY 574, 1.2 miles south of Turners Station, via Turners Station-Lacie Road, to the junction with KY 193 at Lacie (Henry County).
- KY 3322
A - From the junction US 421 northeast of Eminence to the junction with KY 1360 at Franklinton (Henry County).
- KY 3323
A - From the junction with KY 22 at Eminence, via Jackson Road to the junction with KY 1861 (Henry County).
- KY 3324
A - From the junction with KY 476 at Clayhole extending north for 2.251 miles (Breathitt County).
- KY 3325
A - From the junction with KY 52 near the Madison County line to the junction with KY 1457 near Sandhill (Estill County).
- KY 3326
A - From the junction with KY 1457 at Weedon to the junction with KY 52 in West Irvine (Estill County).
- KY 3327
A - From the junction with KY 594 near Witt, via Pea Ridge-West Irvine Road, to the junction with KY 52 at Weedon (Estill County).
- KY 3328
A - From the junction with KY 594, north of Station Camp, via Crooked Creek Road, to the junction with KY 499 at Wisemantown (Estill County).
- KY 3329
A - From the junction with KY 851 at Doe Creek, via Big Doe Creek-Ross Creek Road, to end of state maintenance 2.0 miles east of KY 851 (Estill County).
- KY 3330
A - From the junction with KY 11 near south city limits of Beattyville, via Proctor Road, extending northwest and then southeast to state maintenance garage, 0.2 mile south of another junction with KY 11 south of Beattyville (Lee County).
- KY 3331
A - From the junction with KY 52 northwest of Beattyville, via Belle Point Road to end of state maintenance, 0.073 mile south of the Dirksen Road (Lee County).
- KY 3332
A - From the junction with KY 11, 1.0 mile north of Owsley County line, via Pine Grove Road, to end of state maintenance, 2.609 miles east of beginning (Lee County).
- KY 3333
A - From the junction with KY 1081 at Wonnies, via Blooming-ton, Cisco, and the Cisco-Matthew Road, to the junction with KY 364 near Matthew (Magoffin-Morgan Counties)
- KY 3334
A - From the junction with KY 2019 at Lickburg, via Lick Creek Road, to the junction with KY 1081 north of Falcon (Magoffin County).
- KY 3335
A - From the junction with KY 3143 east of Owensboro, via Settle Road, to the junction with KY 1456, two-tenths (0.2) mile south of Oak Ridge in Daviess County.
- KY 3336
A - From the junction with KY 7, 0.5 mile south of Gunlock, via Straight Ford Road, to end of state maintenance, 2.3 miles southwest of beginning (Magoffin County).
- KY 3337
A - From the junction with KY 378 near Fritz, via Right Fork-Fritz Road and Middle Fork Road, to junction with KY 30, 1.2 miles north of Hendricks (Magoffin County).
- KY 3338
A - From the junction with US 460 south of Frenchburg, via McCausey Ridge Road, to end of state maintenance, 2.144 miles south of beginning (Menifee County).
- KY 3339
A - From the junction with KY 3338, 1.0 mile south of US 460, via Amos Ridge Road extending northwest and southwest for a distance of 4.290 miles (Menifee County).
- KY 3340
A - From the junction with KY 713 at Cedar Groves via Slate Creek Road to the Bath County line (Menifee County).
- KY 3341
A - From the junction with KY 2071 near the Morgan County line via Hickory Grove Road to the junction with KY 746 south of Pomeroyton (Menifee County).
- KY 3342
A - From the junction with KY 1240 near Denniston, via Byrde Ridge Road and Brushy Fork Road to the junction with US 460 near Wellington (Menifee County).
- KY 3343
A - From the junction with KY 1693 at Back Church, via Back School Road and Artsville Road, to the junction with KY 1693 near Korea (Menifee County).
- KY 3344
A - From the junction with KY 437 at Dingus, via White Oak Branch-Upper Sandlick Creek Road, to end of state maintenance, 3.753 miles east of beginning (Morgan County).
- KY 3345
A - From the junction with KY 772, via Lower Long Branch Road, to the junction with KY 705 south of Woodsbend (Morgan County).
- KY 3346
A - From the junction with KY 30 northwest of Booneville, via Sugar Camp Creek Road, to end of state maintenance 1.0 mile south of beginning (Owsley County).
- KY 3347
A - From the junction with KY 28 east of Booneville, via Shepherd Lane, to the junction with KY 30 northeast of Booneville (Owsley County).
- KY 3348
A - From the junction with KY 699 near Cornettsville, via Little Leatherwood Creek, extending south 3.9 miles to a point near Wentz (Perry County).
- KY 3349
A - From the junction with KY 1165 south of Viper, via dow and the Middle Fork of Maces Road, extending south 2.389 miles (Perry County).
- KY 3351
A - From the junction with KY 80 northeast of Hiner, via Pigeon Roost-Bulan Road, to the junction with KY 476 south of Ary (Perry County).
- KY 3352
A - From the junction with KY 1028, via the Snow Creek and Virden Roads, to the junction with KY 15 at Virden (Powell

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- County).
- KY 3353
A - From the junction with KY 11 near Waltersville, via Skinner Branch Road, to a point 1.562 miles north of beginning (Powell County).
- KY 3354
A - From the junction with KY 1057 near High Rock Lookout Tower, via Cat Creek Road, to the junction with KY 11 south of Rosslyn (Powell County).
- KY 3355
A - From the junction with KY 651 southwest of Campton via Bear Pen and Elkins Roads, to the junction with KY 2491 near south city limits of Campton (Wolfe County).
- KY 3356
A - From the junction with KY 191 at Trent, via Trent-Gosneyville Road and Stamper Branch Road, to the junction with KY 1010 near Toliver (Wolfe County).
- KY 3357
A - From the junction with KY 746 at Gosneyville, via Sandfield-Gosneyville Road, to the junction with KY 1010 west of Toliver (Wolfe County).
- KY 3358
A - From the junction with US 62 near the Nelson County line, via Tanner Road to the junction with KY 248 (Anderson County).
- KY 3359
A - From the junction with US 127 Bypass, via Carlton Drive, to the junction with US 127 in Lawrenceburg (Anderson County).
- KY 3360
A - From the junction with KY 1659 via Grassy Spring Road to the junction with US 60 (Woodford County).
- KY 3361
A - From the junction with US 60, 0.2 miles southeast of Franklin County line via Old US 60 (Midland Trail) to the Franklin County line (Woodford County).
- KY 3362
A - From the junction US 460 at Sideview, via Aarons Run Road to the junction with KY 537 (Montgomery County).
- KY 3363
A - From the junction with KY 11 near the Powell County line, via Saw Mill Road to the junction with KY 646 (Montgomery County).
- KY 3364
A - From the junction with KY 627 at Stoney Point to junction US 460 northwest of North Middletown, thence another junction with US 460 in North Middletown to the junction with KY 537, east of Cane Ridge (Bourbon County).
- KY 3365
A - From the junction with KY 37 near Junction City, via Hogue Hollow Road to the junction with KY 300 near Alum Springs (Boyle County).
- KY 3366
A - From the junction with US 150, 0.3 miles west of Danville Bypass, via Blue Grass Road, to the junction with KY 1915 (Boyle County).
- KY 3367
A - From the junction with KY 1970, 0.5 miles northeast of Bryan Station, via Johnson Road to the junction with US 27 (Fayette County).
- KY 3368
A - From the junction with KY 15 at Pilot View, via Schollsville Road, to the junction with KY 1960 at Schollsville (Clark County).
- KY 3369
A - From the junction with KY 1028 at Log Lick, via Lilles Ferry Road and Trapp Road to the junction with KY 89 at Trapp (Clark County).
- KY 3370
A - From the junction with KY 3371, via McClure Road, to the junction with KY 1927 near Winchester (Clark County).
- KY 3371
A - From the junction with KY 418 near Hootentown, via Beckerville, to the junction with KY 1927 near Colby (Clark County).
- KY 3372
A - From the junction with KY 1972, via Glenmore Road, to the junction with KY 52 east of Lancaster (Garrard County).
- KY 3373
A - From entrance to Bryants Camp, via Bryants Camp Road and Fork Church Road, to the junction with KY 34 near the Boyle County line (Garrard County).
- KY 3347
A - From the junction with US 27 at Vineyard, via Hoover Pike, to the junction with KY 39, 0.5 mile southwest of Sulphur Well (Jessamine County).
- KY 3375
A - From the junction with US 68, via Catnip Hill road, to the junction with US 27, north of Nicholasville (Jessamine County).
- KY 3376
A - From the junction with KY 1016 near Berea, via Kingston-Berea Road and via Kingston, Speedwell, and Panola to the Estill County line (Madison County).
- KY 3377
A - From the junction with KY 627, via Lost Fork Road, to the junction with KY 388 at Redhouse (Madison County).
- KY 3378
A - From the junction with US 460, 0.6 mile west of White Sulphur, via Pea Ridge Road to the junction KY 188 at Sand Lick (Scott County).
- KY 3379
A - From the junction with KY 979 near Grethel, via Galveston and the Branham Creek Road to the junction with Left Fork-Tinker Fork Road near the Pike County line (Floyd County).
- KY 3380
A - From the junction with KY 979, 0.9 mile south of Teaberry, via Tinker Fork Road to the junction with Left Fork-Tinker Fork Road (Floyd County).
- KY 3381
A - From the junction with KY 1428 east of Martin, via Arkansas Creek Road, to the junction with Tower Branch Road (Floyd County).
- KY 3382
A - From the junction with 3381 east of Martin, extending east via Lane Branch Road, to a point 0.625 mile from the beginning (Floyd County).
- KY 3383
A - From the junction with KY 80 southwest of Watergap, via Chestnut Lick Branch Road to a point 0.888 mile southwest of the beginning (Floyd County).
- KY 3384
A - From the junction with US 23 northwest of Watergap, via Town Branch Road and Graham Street in Prestonsburg, to the junction with KY 1428 (Floyd County).
- KY 3385
A - From the junction with KY 194 southeast of Endicott, via Wonder and the Buffalo Creek Road to the Pike County line (Floyd County).
- KY 3386
A - From the junction with KY 3 north of Lancer, via Brandy Keg Creek-Souders Road, to a point 3.350 miles east of the beginning (Floyd County).
- KY 3387
A - From the junction with KY 1559 at Galen via Chandlersville Road and via a short section in Lawrence County to the junction with KY 201 at the Johnson-Lawrence County line.
- KY 3388
A - From the junction with KY 40 in Paintsville extending south 2.030 miles via Island Creek Subdivision Road (Johnson County).

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- KY 3389
A - From the junction with KY 40 at Buffalo extending south 0.822 mile via Dicey Creek Road (Johnson County).
- KY 3390
A - From the junction with KY 40 near the Martin Count line via Hammond Creek Road, extending northwest to the junction with county road at Whitehouse (Johnson County).
- KY 3391
A - From the junction with KY 1231, 1.2 miles north of Smithsboro, via Amburgey to the junction with KY 160 near southeast city limits of Hindman (Knott County).
- KY 3392
A - From the junction with KY 550 at Carrie, via Mill Creek Road, to a point 2.839 miles south of beginning (Knott County).
- KY 3394
A - From the junction with KY 32, 0.9 mile west of Blaine, via Cains Creek Road to the junction with Road Fork Road (Lawrence County).
- KY 3395
A - From the junction with KY 32 northeast of Busseyville via Isaac Branch Road to the junction with US 23 (Lawrence County).
- KY 3396
A - From the junction with KY 32 west of Louisa, via KY 32-Five Forks Road, to the junction with KY 3 at Five Forks (Lawrence County).
- KY 3397
A - From the junction with KY 1185 via Preece Road to the junction with KY 3396 near Five Forks (Lawrence County).
- KY 3398
A - From the junction with KY 3 at Fallsburg to the junction with KY 3 at Fullers (Lawrence County).
- KY 3399
A - From the junction with KY 707 near Hulette to the junction with KY 3 near Estep (Lawrence County).
- KY 3400
A - From the junction with US 119 near Fishpond Lake to another junction with US 119 near Payne Gap (Letcher County).
- KY 3401
A - From the junction with KY 588 at UZ, via the UZ-Dry Fork Road to the junction with KY 15 northwest of Whitco (Letcher County).
- KY 3402
A - From the junction with KY 15, 0.3 mile northeast of Dry Fork Church, via Crown to a point 2.057 miles northeast of beginning (Letcher County).
- KY 3403
A - From the junction with US 119 at Partridge, via Lewis Creek Road to a point 1.026 miles south of US 119 (Letcher County).
- KY 3404
A - From the junction with US 119 at Maggard, via Colliers Creek Road, to a point 0.799 mile south of US 119 (Letcher County).
- KY 3405
A - From the junction with KY 932, 0.4 mile west of Virginia State line, via Roberts Branch Road, to a point 1.431 miles south of KY 932 (Letcher County).
- KY 3406
A - From the junction with US 119, 1.2 miles northeast of Mayking, via Bottom Fork Road, to a point 1.815 miles east of beginning (Letcher County).
- KY 3407
A - From the junction with KY 1714 at Pilgrim, via Emily Creek Road, extending south and east for 2.407 miles to junction Emily-Long Branch Road (Martin County).
- KY 3408
A - From the junction with KY 7 at Elko, via Elk Creek Road, to junction with Low Gap Road (Letcher County).
- KY 3409
A - From the junction with KY 805 at Dunham, via Church Row Road and McRoberts-Dunham Road, to the junction with KY 343 at McRoberts (Letcher County).
- KY 3410
A - From the junction with KY 1862 at Mayking, via Cam Creek Road, extending south 1.424 miles to the junction with Cam Creek-Pert Creek Road (Letcher County).
- KY 3411
A - From the junction with KY 3 at Rockhouse Creek extending northwest to the junction with KY 645, 2.5 miles southeast of the Lawrence County line (Martin County).
- KY 3412
A - From the junction with KY 645 southwest of Inez, via Saltwell Branch Road, to a point 1.620 miles southwest of the beginning (Martin County).
- KY 3413
A - From the junction with KY 292 near Friendship Church, via Calf Creek-Tug Fork Road, to the Lawrence County line (Martin County).
- KY 3414
A - From the junction with KY 1469 at Long Fork extending southwest 3.406 miles to a point near Etty (Pike County).
- KY 3415
A - From the junction with KY 122 near Jones Chapel via Damron to the junction with Newsome Branch Road (Pike County).
- KY 3416
A - From the junction with KY 1426 near south city limits of Pikeville extending south 1.669 miles to the junction with county road at Pigeon (Pike County).
- KY 3417
A - From the junction with KY 1426 at Little Dixie extending north 1.104 miles to the junction with KY 1384 near southwest city limits of Pikeville (Pike County).
- KY 3418
A - From the junction with KY 194, 2.3 miles south of Kimper, via Fishtrap Ridgeline Road and Raccoon Creek Road, to the junction with KY 1441 southeast of Raccoon (Pike County).
- KY 3419
A - From the junction with KY 194, 3.0 miles southeast of Dunlap, via Smith Fork Road and Calloway Branch-Seng Camp Road, to the junction with KY 1056 southwest of Ransom (Pike County).
- KY 3420
A - From the junction with KY 1002 near Blaze, via Blaze-Lick Branch Road, to the junction with KY 711 south of Leisure (Morgan County).
- KY 3421
A - From the junction with KY 727 at Barton via Barton Chapel Road to the junction with KY 1259 near Oak Grove Church (Whitley County).
- KY 3422
A - From the junction with KY 296 at Bon, via Alsile Road and Liberty School Road to the junction with KY 204 at Liberty (Whitley County).
- KY 3423
A - From the junction with KY 26 at Rockholds, via Rockholds-Tyes Ferry Road, to junction with KY 779 (Whitley County).
- KY 3424
A - From the junction with KY 118 near Thousandsticks, via Bull Creek Road, extending northeast along south side of Daniel Boone Parkway, to the junction with KY 257 south of Dryhill (Leslie County).
- KY 3425
A - From a point 0.07 mile north of Daniel Boone Parkway near Dryhill, extending south and east to a point 0.812 mile from the beginning (Leslie County).
- KY 3426
A - From the junction with KY 80, 1.9 miles southeast of

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- Hyden, via Davis Road and Flackey Branch Road, to a point 1.151 miles north of beginning (Leslie County).
- KY 3427
A - From the junction with KY 699, 1.2 miles south of Yeadiss, via Big Fork and Cinda, to another junction with KY 699 northeast of Smilax (Leslie County).
- KY 3428
A - From the junction with KY 80 near Bear Branch, via Ulysses Creek Road, to the Clay County line (Leslie County).
- KY 3429
A - From the junction with KY 363 near the I-75 overpass extending south via Jim Philpot Road to a point 2.888 miles from beginning (Laurel County).
- KY 3430
A - From the junction with KY 312, 0.3 mile southwest of Keavy, via the Keavy Road to another junction with KY 312 near Mt. Zion Church (Laurel County).
- KY 3431
A - From the junction with US 25W in North Corbin, via Cherry Avenue and Old Whitley Road to the junction with US 25 north of Corbin (Laurel County).
- KY 3432
A - From the junction with KY 192 southwest of London, via Parker Road to the junction with US 25 in London (Laurel County).
- KY 3433
A - From the junction with KY 29 in Wilmore, via Jessamine Station Road, to the junction with KY 29 near Jessamine County High School (Jessamine County).
- KY 3434
A - From the junction with US 25 at Pittsburg, via Old Richmond Road, to the junction with KY 490 near Philpot Chapel (Laurel County).
- KY 3435
A - From the junction with KY 472 at Langnau, extending north via Congo to the junction with KY 638 (Laurel County).
- KY 3437
A - From the junction with KY 3436 southeast of Siler, via Valley Road, to the junction with KY 1232 at Gray (Knox County).
- KY 3438
A - From the junction with US 25E southeast of Baileys Switch, via Old US 25E Loop No. 6 and Parrott Hollow-Long Branch Road, to the junction with KY 11 north of Cannon (Knox County).
- KY 3439
A - From the junction with US 25E near Boone Heights, via Old US 25E Loop No. 2, to another junction with US 25E near Baughman (Knox County).
- KY 3440
A - From the junction with KY 3439, via Trace Branch Road, to the junction with KY 11 northeast of Heidrick (Knox County).
- KY 3441
A - From the junction with KY 11 near Hampton Elementary School, extending southeast via Davis Bend Road, to a point 3.440 miles from KY 11 (Knox County).
- KY 3442
A - From the junction with KY 1530, 0.15 mile northeast of Cumberland River Bridge, via Mackey Bend Road, to another junction with KY 1530, 0.35 mile northeast of Cumberland River Bridge (Knox County).
- KY 3443
A - From the junction with KY 30 at Settle Store, via Welchburg, to the junction with US 421 northwest of Egypt (Jackson County).
- KY 3444
A - From the junction with KY 30 near Annville, via Dry Fork Road, to the junction with Greenhill-Welchburg Road (Jackson County).
- KY 3445
A - From the junction with US 421 southeast of Bradshaw, via Soaptown and Prewitt Roads to the junction with KY 587 (Jackson County).
- KY 3446
A - From the junction with US 421, 0.6 mile east of Sandgap, via Sandgap-Sand Springs Road, to the junction with KY 89 near Sand Springs (Jackson County).
- KY 3447
A - From the junction with US 421 southeast of Morrill, via Morrill-Kerby Knob Road, to the junction with KY 2004 at Kerby Knob (Jackson County).
- KY 3448
A - From the Bell County line, via Harper Road, to the junction with KY 221 near Tacky Town (Harlan County).
- KY 3449
A - From the junction with KY 2007 near Coldiron, via Foresters Creek Road, to a point 1.976 miles southwest of KY 2007 (Harlan County).
- KY 3450
A - From the junction with KY 219 at Kentenia, via Meadow Creek Road to a point 0.559 mile east of KY 219 (Harlan County).
- KY 3451
A - From the junction with US 119 at Tremont, via River Road and Ewing Creek Road, to a point 2.214 miles south of US 119 (Harlan County).
- KY 3452
A - From the junction with US 119, 1.4 miles northeast of Keith, via Old KY 840 Loop No. 2, to another junction with US 119 northwest of Baxter (Harlan County).
- KY 3453
A - From the junction with KY 72 in Harlan, via Circle Drive and Myers Street, to end of state maintenance at a point 1.315 miles from KY 72 (Harlan County).
- KY 3454
A - From the junction with KY 38 at Rex to the junction with Sycamore Street in Harlan (Harlan County).
- KY 3455
A - From the junction with KY 38 at Ages, via Gabes Branch Road, to a point 0.729 mile south of KY 38 (Harlan County).
- KY 3457
A - From the junction with KY 38 at Draper, via Turners Branch Road, to a point 0.512 mile northwest of KY 38 (Harlan County).
- KY 3458
A - From the junction with KY 215, 0.6 mile east of Disney, via Yocum Creek Road to a point 0.774 mile east of KY 215 (Harlan County).
- KY 3459
A - From the junction with US 421 at Dressen, via Sunshine Road, to another junction with US 421 in Harlan (Harlan County).
- KY 3460
A - From the junction with KY 413 at Baxter, via Sukey Ridge Road, to the junction with US 119 (Harlan County).
- KY 3461
A - From the junction with KY 219 at Blanton Street near Wallins Creek to the junction with US 119 north of Wallins Creek (Harlan County).
- KY 3462
A - From the junction with US 421 west of the Virginia state line, extending east and northeast via Old US 421 Road and Daniel Carredd Road, to a point 0.835 mile from US 421 (Harlan County).
- KY 3463
A - From the junction with KY 987 near Martins Fork Lake, via C.C. Camp Lake, to a point 1.641 miles east of KY 987 (Harlan County).
- KY 3464

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- A - From the junction with US 119, 0.2 mile southwest of Letcher County line, via Cumberland River Road, to a point 0.982 mile northwest of US 119 (Harlan County).
- KY 3465
 - A - From the junction with KY 221 at Jonesboro, via Abner Fork Road, to the Leslie County line (Harlan County).
- KY 3466
 - A - From the junction with KY 221, 0.3 mile west of Green Hill School, via Green Hill School-Kentonia Forest Road, extending north 2.326 miles to a wayside park (Harlan County).
- KY 3467
 - A - From the junction with KY 2007 in Coldiron, via Old US 119 Loop #2, to the junction with US 119 (Harlan County).
- KY 3469
 - A - From the junction with KY 11 at Bluehole, via Buzzard Road, to a point near Saplings Branch, 1.660 miles southeast of KY 11 (Clay County).
- KY 3470
 - A - From the junction with KY 81, 0.6 miles south of Glenville to the junction with KY 1046 (McLean County).
- KY 3471
 - A - From the junction with KY 2432 near the northwest city limits of Manchester, via Coal Hollow Road, extending south 0.940 mile (Clay County).
- KY 3472
 - A - From the junction with US 421 in Manchester, via Memorial drive and Marcum Avenue, to the junction with KY 2432 (Clay County).
- KY 3473
 - A - From the junction with KY 638 north of Manchester, via Charlie Sizemore Road, to the junction with US 421 north of Manchester (Clay County).
- KY 3474
 - A - From the junction with KY 3475 north of Manchester, via Boles Creek Road, to the junction with KY 638 near Greenbriar Church (Clay County).
- KY 3475
 - A - From the junction with KY 687 northwest of Manchester, via Rader Creek Road, and Allen Road, to the junction with KY 472, 0.9 mile southwest of Burning Springs (Clay County).
- KY 3476
 - A - From the junction with KY 687 near Hacker School, northwest of Manchester, via Old Hacker School Road, to the junction with KY 638 near Bethany Chapel (Clay County).
- KY 3477
 - A - From the junction with US 421, 0.3 mile south of Fall Rock, via Jacks Branch Road, to the junction with Island Creek-Frazier Road (Clay County).
- KY 3478
 - A - From the Jackson County line via Robinson Creek Road, to the junction with US 421 at Malcomb (Clay County).
- KY 3479
 - A - From Memorial Hospital parking lot in Manchester, via Hospital Drive, to the junction with with KY 3472 at Memorial Drive (Clay County).
- KY 3480
 - A - From the junction with US 421 south of Manchester, via Old US 421/KY 11 Road, to the junction with US 421 near south city limits of Manchester (Clay County).
- KY 3481
 - A - From the junction with US 431 near south city limits of Manchester, extending northwest via Robo Lane to the junction with KY 3480 (Clay County).
- KY 3482
 - A - From the junction with KY 987, 1.2 miles northwest of Miracle, via old US 119, to the junction with US 119, 1.1 mile west of Callaway (Bell County).
- KY 3483
 - A - From the junction with KY 1595 near Pearl, via Blacktop Church Road, to the junction with KY 190 at Blacktop Church (Bell County).
- KY 3484
 - A - From the junction with KY 190 northeast of Frakes, via Laurel Fork Road, to the junction with KY 3485 at New Vine Church (Bell County).
- KY 3485
 - A - From the junction with KY 74 near Murtea, via Hall-Henderson Road, to the junction with KY 190 near Henderson Grove Church (Bell County).
- KY 3486
 - A - From the junction with KY 441 in Middlesboro, via Old Pineville-Middlesboro Road and via Binghamtown and Meldrum, to the junction with US 25E near Bear (Bell County).
- KY 3487
 - AAA - From the junction with US 62 north of Georgetown to the junction with KY 620 at Cranetown (Scott County).
- KY 3488
 - A - From the junction with KY 555 in Springfield, extending 1420 feet northeastward via Industrial Access Road, to another junction with KY 55 (Washington County).
- KY 3489
 - A - From the junction with US 60 near Ledbetter School, via Old US 60 Road, to another junction with US 60 in Livingston County.
- KY 3490
 - A - From the junction with KY 1998 opposite Knollwood Drive, via Johns Hill Road, to the junction with US 27 in Highland Heights (Campbell County).
- KY 3491
 - A - From the junction with KY 80 southeast of Columbia, via Allison Lane, to the junction with KY 206 near Green Hills (Adair County).
- KY 3494
 - A - From the junction with KY 144 in Radcliff, via Elm road to the junction with KY 1815 (Hardin County).
- KY 3495
 - AAA - From the junction with KY 1460, south of Pikeville High School, via old US 23 to the junction with US 23 south of Ratliff Creek Road in Pikeville (Pike County).
- KY 3496
 - A - From the junction with US 23 at Titan Siding in Pikeville extending north to the junction with KY 1426 at Baird Avenue in Pikeville (Pike County).
- KY 3497
 - A - From the junction with KY 1193 at Baldrock, extending southwest 6.123 miles to a point near the junction of the Rockcastle and Cumberland Rivers (Laurel County).
- KY 3498
 - A - From the junction KY 1171 in Franklin, via North Street, to the junction with KY 1008 near east city limits of Franklin (Simpson County).
- KY 3499
 - A - From the junction with KY 98 in Scottsville to the junction with US 31E, north of Scottsville (Allen County).
- KY 3500
 - A - From the junction with KY 1147 at Petroleum to the junction with KY 100 in Scottsville (Allen County).
- KY 3502
 - A - From the junction with KY 186 (40th Street) in Middlesboro, via Winchester Avenue and 38th Street, to the junction with KY 74 (West Cumberland Avenue) (Bell County).
- KY 3503
 - A - From the junction with KY 842 east of I-75 south of Florence to the junction with KY 2847 in the Northern Kentucky Industrial Park (Boone County).
- KY 3504
 - A - From the junction with KY 11 northwest of Booneville, via old KY 11 and the Taylor Road, to state maintenance

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- garage entrance (Owsley County).
- KY 3505
A - From the junction with KY 1005 at Pierce Lane, via Devils Hollow Road to the junction with Parkside Drive in Frankfort.
- KY 3506
A - From the junction with KY 1211 in Frankfort, via Broadway Railroad Bridge and West Broadway to the junction with Wilkinson Boulevard in Frankfort.
- KY 3507
A - From the junction with KY 302 south of Philadelphia Church, extending east 0.141 mile to KY 3 (Johnson County).
- KY 3508
A - From the junction with KY 3 extending north 0.025 mile (Johnson County).
- KY 3509
A - From the junction with KY 3 extending south 0.026 mile (Johnson County).
- KY 3510
A - From the junction with KY 3 extending south 0.016 mile (Johnson County).
- KY 3511
A - From the junction with KY 3 extending north 0.021 mile (Johnson County).
- KY 3512
A - From the junction with KY 3 extending north 0.020 mile (Johnson County).
- KY 3513
A - From the junction with KY 3 extending north 0.016 mile (Johnson County).
- KY 3514
A - From the junction with KY 3 extending south 0.038 mile (Johnson County).
- KY 3515
A - From the junction with KY 3 extending south 0.035 mile (Johnson County).
- KY 3516
A - From the junction with KY 3 extending south 0.013 mile (Johnson County).
- KY 3517
A - From the junction with KY 3 extending north 0.039 mile (Johnson County).
- KY 3518
AAA - From the junction with KY 658 in Campbellsville, via New Industrial Road to the junction with KY 70 (Taylor County).
- KY 3519
A - From the junction with KY 2906 extending north and northwest to the junction with US 62 (Scott County).
- KY 3520
A - From the junction with KY 3519 extending northeast 0.213 miles to deadend (Scott County).
- KY 3521
A - From the east right-of-way limits of Southern Railway extending east to Industry Drive; and from the dead end east of Industry Drive extending east to the junction with KY 620 (Scott County).
- KY 3522
A - From east right-of-way line of US 41 at the gate to Ellis Park extending west under US 41, then north along west side of US 41, then east to the southbound lanes of US 41 (Henderson County).
- KY 3523
A - From the junction with US 68 southwest of Campbellsville, via Davis Road to the junction with Whitewood Road (Taylor County).
- KY 3524
A - From the junction with US 68 near south side of Cumberland Parkway, via Industrial Road to the junction with KY 80 (Metcalfe County).
- KY 3525
A - From the junction with KY 910, south of Cumberland Parkway near Irvins Store, via Old Faubush Road to the Pulaski County line (Russell County).
- TOLL ROADS OR PARKWAYS**
- Audubon Parkway**
AAA - From the junction with Pennyryle Parkway at Henderson to the junction with US 60 Bypass at Owensboro.
- Bluegrass Parkway**
AAA - From the junction with I-65 at Elizabethtown to the junction with US 60 east of Versailles.
- Cumberland Parkway**
AAA - From the junction with I-65 north of Bowling Green to the junction with US 27 at Somerset.
- Daniel Boone Parkway**
AAA - From the junction with US 25 at London to the junction with KY 15 northwest of Hazard.
- Green River Parkway**
AAA - From the junction with US 60 Bypass at Owensboro to the junction with I-65 south of Bowling Green.
- Jackson Purchase Parkway**
AAA - From the junction with KY 116 at Tennessee state line in Fulton County to the junction with US 62 near Calvert City.
- Mountain Parkway**
AAA - From the junction with I-64 east of Winchester to the junction with Mountain Parkway Extension near Campton.
- Mountain Parkway Extension**
AAA - From the junction with Mountain Parkway near Campton to the junction with KY 114 at Salyersville.
- Pennyryle Parkway**
AAA - From the junction with US 41A near the southeast city limits of Hopkinsville to the junction with US 41 north of the Christian County line; and from the junction with US 41 bypass north of Madisonville to the junction US 41 (Henderson bypass) near US 60 Interchange.
- Western Kentucky Parkway**
AAA - From the junction with I-65 near Elizabethtown to US 62 approximately 2.0 miles east of Eddyville.
- LOUISVILLE AREA**
- Arthur Street (KY 61)**
AAA - From the junction with I-65 and Gaulbert to the junction with US 60 Alternate.
- Bells Lane (KY 2056)**
AAA - From the junction with KY 1934 to end near Ohio River.
- Bon Air (KY 2240)**
AAA - From the junction with Goldsmith lane to the junction with Brockton Avenue
- Brandeis Street (KY 1020)**
AAA - From the junction with 3rd Street to junction with 2nd Street; and from the junction with Arthur Street to the junction with KY 61.
- Brook Street (KY 2822)**
AAA - From US 60 (BR) to the junction with I-65 at Jacob Street
- Cannons Lane (KY 2048)**
AAA - From the junction with Dutchmans Lane to the junction with US 60 (TR).
- Crums Lane (KY 2049)**
AAA - From the junction with Cane Run Road (KY 1934) to the junction with US 31 W at Shively.
- Dutchmans Lane (KY 2048)**
AAA - From the junction with KY 155 to the junction with Cannons Lane.
- First Street**
AAA - From the junction with I-65 to the junction with River Road; and from US 60 (Business Route) to the junction with Jacob Street (KY 3066).
- Fontain Avenue (KY 2248)**
AAA - From the junction with Phillips Lane to the junction with Keller Avenue
- Floyd Street (KY 2821)**
AAA - From the junction with US 69 Alternate to the junction with Warnock Street

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Goldsmith Lane (KY 2240)

AAA - From the junction with US 31E to the junction with Bon Air Avenue

Hahn Street (KY 2802)

AAA - From the junction with Warnock Street to the junction with US 60 Alternate.

Kenwood Way (KY 1020)

AAA - From the junction with Tenny Avenue to the junction with Southern Parkway.

Main Fairgrounds (KY 2244)

AAA - From Gate One, State Fairgrounds, to I-264.

Manslick Road (KY 1931)

AAA - From the junction with US 60 Alternate (7th Street Road) to the junction with Palatka Road.

Market Street

AAA - From the junction with US 31E to the junction with KY 864.

Northwestern Parkway (KY 3062)

AAA - From the junction with US 150 to the junction with 39th Street.

Palatka Road (KY 1142)

AAA - From the junction with Manslick Road to the junction with KY 907.

Phillips Lane (KY 2244)

AAA - From Mission Drive to main Fairgrounds Entrance Road.

River Road

AAA - From First Street to Third Street

Street Andrews Church Road (KY 1931)

AAA - From the junction with Palatka Road (KY 1142) to the junction with US 31W at Pleasure Ridge Park.

Second Street (KY 1020)

AAA - From the junction with Bradeis Street to the junction with US 31E.

Seventh Street Road (KY 1931)

AAA - From the junction with US 60 Alternate (Berry Boulevard) to the junction with Algonquin Parkway.

Southern Parkway (KY 1020)

AAA - From the junction with Kenwood Drive to the junction with Third Street

Southside Drive (KY 1020)

AAA - From the junction with KY 907 to the junction with Tenny Avenue.

Standiford Field Access Road (KY 2244)

AAA - From I-264 to Standiford Field.

Tenny Avenue (KY 1020)

AAA - From the junction with Southside Drive to the junction with Third Street

Third Street (KY 1020)

AAA - From Tenny Avenue to Kenwood Way; and from the junction with Southern Parkway to the junction with River Road.

22nd Street (US 31W)

AAA - From the junction with US 150 to the junction with Northwestern Parkway.

Warnock Street (KY 2802 & KY 2821)

AAA - From the junction with Floyd Street to the junction with KY 1631.

Wenzel Street (KY 2243)

AAA - From the junction with US 31E (Main Street) to the junction with Jefferson Street.

Willis Street (KY 2241)

AAA - From the junction with Breckinridge Lane (KY 1932) to the junction with US 60 (truck route).

LEXINGTON AREA

Boliver Street (US 27)

AAA - From the junction with US 60 to the junction with US 27.

Lane Allen Road-Rosemont Garden (KY 913)

AAA - From the junction with US 68 to the junction with Southland Drive.

Southland Drive (KY 913)

AAA - From the junction with Rosemont Drive to the junction with US 27.

NORTHERN KENTUCKY AREA

11th Street (Newport) (KY 1120)

AAA - From Licking River Bridge to the junction with York Street Hartman Road (Erlanger) (KY 2978)

AA - From the junction with KY 236 near the north side of I-75 in Erlanger to the junction with Erlanger Road.

Kyles Lane (Lookout Heights) (KY 1072)

AAA - From the junction with US 42 at Fort Wright (Kenton County) to the junction with I-75.

12th Street (Covington) (KY 1120)

AAA - From the junction with I-75 to 11th Street in Newport.

OWENSBORO AREA

Fifth Street (KY 2245)

AAA - From the junction with US 431 (Fredrica Street in Owensboro) to the junction with Lewis Street.

Fifth Street (US 231)

AAA - From Lewis Street to Breckinridge Street.

9th Street (KY 2129)

AAA - From Crabtree Avenue to Conway Avenue.

Lewis Street (US 231)

AAA - From US 60 (W. 2nd Street in Owensboro) to Fifth Street in Owensboro.

Breckinridge Street and Leitchfield Road (KY 1497)

AAA - From Fifth Street (US 231) to intersection of Leitchfield Road and 2nd Street (US 60).

Section 5. 603 KAR 5:096 is hereby repealed.

J.M. YOWELL, State Highway Engineer

DON C. KELLY, Secretary

APPROVED BY AGENCY: July 2, 1992

FILED WITH LRC: July 2, 1992 at 3 p.m.

PUBLIC HEARING: A public comment hearing will be held on this administrative regulation on August 26, 1992 at 1:30 p.m.; local prevailing time in the Fourth Floor Hearing Room of the State Office Building located at the corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by August 21, 1992 so notify this agency. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public comment hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the administrative regulation. If the hearing is cancelled, written comments will only be accepted until August 21, 1992. Send written notification of intent to attend the public hearing or written comments on the administrative regulation to: Sandra G. Pullen, Staff Assistant, Transportation Cabinet, 1001 State Office Building, 501 High Street, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sandra G. Pullen

(1) Type and number of entities affected: All users of Kentucky's state-maintained highway system who operate vehicles with a gross weight above 36,000 pounds.

(a) Direct and indirect costs or savings to those affected: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: None

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: The weight limit on all highways in Kentucky is established at 36,000 pounds by KRS 189.221 unless the Secretary of the Transportation Cabinet increases the weight limit on the state-maintained highways. Administrative regulation 603 KAR 5:096 until July 14, 1992 set forth higher weight limits most of the state-maintained highways could reasonably accommodate. That administrative regulation expires July 14 after being found deficient because it had not been comprehensively updated for 10 years. This new version of the highway classifications administrative regulation includes over 2200 miles of state-maintained highways not included in 603 KAR 5:096. It is essential that the administrative regulation be promulgated to provide legal authority for the enforcement of the weight limits above 36,000 pounds.

TIERING: Was tiering applied? Yes. The highways are classified according to their load-bearing capability, i.e., they are tiered.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of the Commissioner

701 KAR 5:035. Procedures for records requests.

RELATES TO: KRS 61.876

STATUTORY AUTHORITY: KRS 61.876, 156.070

NECESSITY AND FUNCTION: The State Board for Elementary and Secondary Education is required by KRS 61.876(1) to promulgate rules governing access to Department of Education and State Board public records, to protect the records from damage and disorganization, to prevent excessive disruption of 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 regulation establishes the general rules to be followed by the Department of Education in affording public access to their records and by persons applying to inspect the records.

Section 1. The principal office location for the Department of Education is the First Floor of the Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601. Regular office hours are 8 a.m. to 4:30 p.m., Monday through Friday, prevailing time in Frankfort, Kentucky. Any person shall have the right to inspect public records during the regular office hours.

Section 2. The title of the official custodian of the records of the Department of Education is the Commissioner of Education of the Commonwealth of Kentucky, whose address is Room 102, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601. The records officer of the Department of Education as designated by the Commissioner of Education is the Associate Commissioner for the Office of Management Information Services, whose address is Room 1607, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601.

Section 3. All public records shall be open for inspection by any person, except as otherwise provided by KRS 61.870 through 61.884, and suitable facilities shall be made available by each office/bureau for the exercise of this right. No person shall remove original copies of public records from the offices of any office/bureau without the written permission of the official custodian of the record. A log shall be kept of all persons who examine records to include a description of the records reviewed. Any questions about right of inspection of records shall be directed to the official custodian for resolution. All records shall remain in the division in which they are normally housed except an employee of the Kentucky Department of Education may

transport and remain with records while they are being duplicated.

Section 4. Fees to be charged for copies of public records shall be ten (10) cents for each photocopy; copies of photographs, maps and other nonwritten material, and records stored in computer files or libraries, shall be furnished to any person requesting them on payment of a fee equal to the actual cost to the Department of Education of producing the copies. Persons requesting copies of records shall be advised of the total actual cost of written material, and the actual, if known, or approximate cost of producing copies of nonwritten material or of records stored in computer files or libraries before the copies are prepared. If the requestor's residence or principal place of business is outside the county in which the requested public records are located, the department shall be obligated to mail the documents if so requested. Postage may be included in fees. The total fee shall be collected before the copies are handed or sent to the person requesting them.

Section 5. The procedure to be followed in requesting inspection of public records shall be as follows:

(1) Requests to inspect public records must be made in writing by the requestor to the records officer of the Department of Education on the form, "Request to Inspect Public Records," dated July, 1992, which is available from the Records Officer, Associate Commissioner, Office of Management Information Services, Room 1607, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, from 8 a.m. to 4:30 p.m., Monday through Friday. Designated employees of the Department of Education shall assist, on request of the applicant, in completing the form; the applicant shall sign the application form. The application form shall include a receipt to be completed and signed by the custodian of the records for payment received for copies of records requested by applicants, and one (1) copy of the receipt shall be furnished to the applicant.

(2) Records shall be inspected in the presence of and copied by a member of the Department of Education 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. Materials produced will be retained for thirty (30) days from the date notice of availability is made to the requestor.

Section 6. A copy of this regulation shall be displayed in the main reception room of the Department of Education on the first floor of the Capital Plaza Tower.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the State Board for Elementary and Secondary Education, as required by KRS 156.070(4).

THOMAS C. BOYSEN, Commissioner

JOSEPH W. KELLY, Chairman

APPROVED BY AGENCY: July 9, 1992

FILED WITH LRC: July 15, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 21, 1992 at 10 a.m. in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 16, 1992, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Kevin M. Noland, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Kevin Noland

(1) Type and number of entities affected: Kentucky Department of Education and persons whom request copies of records from KDE.

(a) Direct and indirect costs or savings to those affected: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: One page form to complete to request copies of public documents.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None additional to current practice.

(3) Assessment of anticipated effect on state and local revenues:

(4) Assessment of alternative methods; reasons why alternatives were rejected: KRS 61.876

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments:

TIERING: Was tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it. Disparate treatment of any person or entity subject to this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 & 3 of the Kentucky Constitution.

EDUCATION AND HUMANITIES CABINET

Department of Education

Office of the Commissioner

701 KAR 5:085. Hearing process for school-based decision making complaints.

RELATES TO: KRS 160.345

STATUTORY AUTHORITY: KRS 156.070, 160.345

NECESSITY AND FUNCTION: The State Board for Elementary and Secondary Education is directed by KRS 160.345 to establish by administrative regulation a hearing process for complaints referred by the Office of Education Accountability regarding intentional patterns of practice by local board members, superintendents, and school district employees which are detrimental to the successful implementation of or circumvent the intent of school-based decision making. This regulation establishes the hearing process.

Section 1. The hearing officer for the State Board for Elementary and Secondary Education shall conduct a hearing as to each written complaint referred by the Office of Education Accountability pursuant to KRS 160.345.

Section 2. Within twenty (20) days after the Office of Education Accountability has filed with the board the referred written complaint and any relevant documentation, the secretary of the board shall provide to the complaining party and the party alleged to have committed a violation a copy of the complaint and relevant documents referred from the Office of Education Accountability and written notice of the date, time, and location of the hearing.

Section 3. The hearing officer shall have full authority to do the following:

(1) Grant continuances of the scheduled hearing for just cause shown;

(2) Administer oaths, examine witnesses under oath, and issue requested subpoenas to compel attendance of witnesses or production of physical evidence; and

(3) Tape record all testimony taken.

Section 4. Both the complaining party and the party alleged to have committed the violation may require the presence of witnesses upon subpoena issued by the board.

Section 5. After conclusion of the hearing, the hearing officer shall file with the board a tape recording of all testimony taken, any exhibits filed, findings of fact, conclusions of law and a recommended order.

Section 6. (1) Any party may submit written exceptions to the findings of fact and recommended order. Exceptions shall be filed with the board through its secretary within ten (10) days of entry of the recommended order, unless otherwise directed by the hearing officer at the time the recommended order is entered, and served on all parties.

(2) Any party may submit a written response to exceptions filed with the board. The response shall be filed with the board through its secretary within twenty (20) days of entry of the recommended order, unless otherwise directed by the hearing officer at the time the recommended order is entered, and served on all parties.

(3) Exceptions and responses not timely filed shall be noted and made a part of the record, but shall not be considered by the board in making a final determination.

Section 7. The state board may accept or reject the submission of the hearing officer in total or in part, may return the matter to the hearing officer for further proceedings, or may have the parties appear before the state board for further proceedings and ultimate decision. In making its final decision, the board shall adopt or incorporate appropriate findings and conclusions.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the State Board for Elementary and Secondary Education, as required by KRS 156.070(4).

THOMAS C. BOYSEN, Commissioner

JOSEPH W. KELLY, Chairman

APPROVED BY AGENCY: July 9, 1992

FILED WITH LRC: July 15, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 21, 1992 at 10 a.m. in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 16, 1992, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Kevin M. Noland, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Kevin Noland

(1) Type and number of entities affected: 176 school districts' boards of education, 176 school superintendents, and school district employees.

(a) Direct and indirect costs or savings to those affected: None

1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
- (b) Reporting and paperwork requirements: Hearing officer for SBESE must prepare written findings and a recommended order.
- (2) Effects on the promulgating administrative body: Board must review hearing officer's report and render decision.
 - (a) Direct and indirect costs or savings: Minimal
 1. First year:
 2. Continuing costs or savings:
 3. Additional factors increasing or decreasing costs:
 - (b) Reporting and paperwork requirements: SBESE must enter final written decision.
- (3) Assessment of anticipated effect on state and local revenues: None
- (4) Assessment of alternative methods; reasons why alternatives were rejected: KRS 160.345 mandates establishment of this appeal process by regulation.
- (5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
 - (a) Necessity of proposed regulation if in conflict: N/A
 - (b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
- (6) Any additional information or comments:

TIERING: Was tiering applied? Yes. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it. Disparate treatment of any person or entity subject to this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 & 3 of the Kentucky Constitution.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Learning Programs Development

704 KAR 7:056. Conditions for administering corporal punishment.

RELATES TO: KRS 156.160, 158.6451

STATUTORY AUTHORITY: KRS 156.070, 156.160

NECESSITY AND FUNCTION: KRS 156.160 gives the State Board for Elementary and Secondary Education the authority to promulgate regulations deemed necessary or advisable for the protection of the physical welfare and safety of pupils, and to set standards for local school districts in programs, services, and operation performance and with the latter tied to outcomes set forth in KRS 158.6451. Such goals include an expectation of a high level of achievement by all students, students becoming self-sufficient individuals and responsible family/community members, reduction of physical and mental health barriers to learning, and successful transition to postgraduation life. Based upon the findings that corporal punishment has significant negative effects upon the general health and welfare of school children and said goals, all of which outweigh any positive aspects of its ability to actually control conduct, the state board determines that corporal punishment shall have certain required conditions for its use in public schools. These conditions reflect the philosophy of the Kentucky Education Reform Act to solicit continual parental/guardian involvement, provide discipline that encourages student self-responsibility, and establish rules that facilitate a safe, positive, school environment. Finally, with this regulation the state board maintains that corporal punishment shall occur only after other disciplinary means have proved ineffective, and shall always consider the student's age, size, health, and previous disciplinary record.

Section 1. Definitions. (1) "Corporal punishment" shall mean the deliberate infliction of physical pain by any means upon the whole or part of a student's body as a punishment or penalty for student

misbehavior.

(2) "Written parental permission" shall mean a signed statement from the parent/guardian which provides the school with permission for the parent/guardian's child to receive corporal punishment during the school year of that district.

(3) "Behavior improvement plan" shall mean a written plan developed by school/district personnel, the student, and the student's parent/guardian, that shall be required for all students who receive two (2) or more acts of corporal punishment during the district's school year.

(4) "Required records of corporal punishment" shall include the current records required by the U.S. Office of Civil Rights for those students receiving corporal punishment.

Section 2. Before corporal punishment is administered to any student in a public school, the student's school or district shall have on file a form with the student's parent/guardian's signature indicating permission for the parent/guardian's child to receive corporal punishment. Students without such parental/guardian permission shall be given alternative punishment for misbehavior.

Section 3. All acts of corporal punishment in public schools shall be administered only by certified staff, with at least two (2) other certified staff serving as official witnesses of the corporal punishment act. Official witnesses shall be informed beforehand, and in the student's presence, of the reason(s) for the use of corporal punishment. Corporal punishment shall not be administered in the presence of other students.

Section 4. Schools and districts which permit corporal punishment shall keep accurate records on its use. Such records shall list the student's name, age, gender, race, and educational status. These records shall include a written account of the circumstances, including past and present student behaviors, resulting in the punishment and a description of the punishment. Prior efforts to work with the student, student's parent/guardian, and school staff shall also be noted. The administrator of the corporal punishment, as well as the official witnesses, shall provide written verification of this information. Complete copies of these reports shall be filed for at least three (3) years with the school council or principal, the district superintendent, and the Kentucky Department of Education. The student's parent/guardian shall also receive a copy of the reports. The official forms of the U.S. Office of Civil Rights shall be incorporated into this recordkeeping process.

Section 5. Schools and districts which permit corporal punishment shall maintain a current list of all students who receive corporal punishment during the district's school year. A written behavior improvement plan shall be developed for those students who receive two (2) or more acts of corporal punishment during the current school year. This written behavior improvement plan shall be developed with input from the student, the student's parents/guardians, the student's teacher(s), and other appropriate school personnel. This plan shall have the goal of eliminating the need for further corporal punishment for the student. For students identified as having an educational disability and receiving special education services, this behavior improvement plan shall be considered by the student's Admissions and Release Committee for inclusion in or consistency with the individualized education plan (IEP).

Section 6. The parents/guardians of all children receiving any act of corporal punishment shall receive written notification of the acts within seven (7) calendar days from the act's occurrence. Districts and schools shall develop policies for implementation of this parental notification process.

Section 7. All districts and schools permitting corporal punishment shall include summaries of board and council policies on corporal punishment in their district/school student code of conduct handbook.

This is to certify that the chief state school officer has reviewed

and recommended this administrative regulation prior to its adoption by the State Board for Elementary and Secondary Education, as required by KRS 156.070(4).

THOMAS C. BOYSEN, Commissioner

JOSEPH W. KELLY, Chairman

APPROVED BY AGENCY: July 9, 1992

FILED WITH LRC: July 15, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 21, 1992 at 10 a.m. in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 16, 1992, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Kevin M. Noland, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: William G. Scott

(1) Type and number of entities affected: 176 school districts.

(a) Direct and indirect costs or savings to those affected:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: 1) A current list of students who receive two or more acts of corporal punishment during the district's school year. 2) A written behavior improvement plan for each of these students. 3) Accurate records on use of corporal punishment.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues:

None

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments:

TIERING: Was tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it. Disparate treatment of any person or entity subject to this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

EDUCATION PROFESSIONAL STANDARDS BOARD

704 KAR 20:660. Approval for teaching in the primary school program.

RELATES TO: KRS 158.030, 161.020, 161.028, 161.030

STATUTORY AUTHORITY: KRS 158.030, 161.028, 161.030

NECESSITY AND FUNCTION: KRS 158.030 defines the primary school program as "that part of the elementary school program in which children are enrolled from the time they begin school until they are ready to enter the fourth grade." Successful completion of the primary program is a prerequisite for entrance into fourth grade. This regulation establishes the means by which teachers who hold certification for either grades one (1) through eight (8) or kindergarten (K) only may qualify for teaching in a primary program which includes children outside the age range corresponding to their certification.

Section 1. (1) An approval for teaching in the primary school program shall be issued in accordance with the pertinent Kentucky statutes and regulations of the Education Professional Standards Board to an applicant who holds a valid Kentucky Provisional or Standard Elementary Certificate, Grades 1-8, or the Provisional Certificate for Kindergarten Teacher and who has completed the preparation program established in accordance with standards set forth in Section 2 of this regulation.

(2) The approval for teaching in the primary school program shall be valid for the same duration period as the prerequisite elementary grades 1-8 or kindergarten certificate.

Section 2. The preparation program to qualify for the approval identified in Section 1 of this regulation shall consist of twenty-four (24) clock hours of professional development designed and provided by local school districts either individually or in consortium with other school districts or approved institutions of higher education.

(1) The total program or a portion of the program shall be completed during the candidates employment in a primary school program that includes children outside the age range corresponding to the candidate's prerequisite teaching certificate. (2) The program shall be designed to provide the candidates with knowledge and skills that may be applied to primary classrooms to successfully achieve the following critical attributes of Kentucky's primary school program:

(a) Developmentally-appropriate educational practices;

(b) Multiage/multiability classrooms;

(c) Continuous progress;

(d) Authentic assessment;

(e) Qualitative reporting methods;

(f) Professional teamwork; and

(g) Positive parent involvement.

(3) An application for approval of the preparation program shall be made by the local school district on forms provided by the Kentucky Department of Education. The application shall identify the providers and participants in the program and other information to enable its review. The application shall include a description of the program which addresses the following program standards:

(a) The program shall have specific objectives stated in terms of outcomes to be achieved by participants.

1. The objectives must relate to the knowledge and skills necessary for candidates to successfully implement a primary program having the seven (7) critical attributes identified in subsection (2) of this section.

2. The program objectives must be identified through active participation and input from prospective candidates of the program.

(b) The program curriculum shall relate to achieving each objective identified in paragraph (a) of this subsection.

1. The description of the curriculum should include both subject matter and experiences to be provided in the training and indicate how these relate to the program objectives.

2. The appropriate clock hours devoted to each component should be identified.

(c) The delivery of curriculum shall include a variety of methodologies and shall model teaching strategies appropriate for the primary

program.

1. The program delivery may consist of multimedia presentations, workshops, seminars, classroom visits, etc.

2. The program should include a component that provides for professional support and mentoring during the school year in which the candidate is assigned to a primary classroom.

(d) Instructional materials appropriate to the objectives of the program shall be provided to candidates to facilitate learning and for use as resources after its conclusion. The instructional materials may include some or all of the following: textbooks, journal articles, manuals or guides, reports, primary school instructional materials, etc.

(e) The program shall be delivered by professional personnel with appropriate qualifications and experience. Personnel delivering the program curriculum should have preparation and experience in a field directly related to one (1) or more program objectives. Preferably, the personnel should have experience in a successful primary program.

(f) The program shall include an evaluation component to determine the extent to which program objectives are achieved and any additional professional development needs of the participants in the program.

1. The program evaluation component may include collection of data from participants on the effectiveness of each program component and also data relating to the success achieved by program participants in applying program objectives in the primary program.

2. The evaluation should provide information regarding additional professional development and support that may be needed by the participants during their assignment in the primary program.

JANICE WEAVER, Chairman

APPROVED BY AGENCY: June 29, 1992

FILED WITH LRC: July 1, 1992 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on August 28, 1992, at 10 a.m. in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by August 23, 1992, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person: Dr. Traci Bliss, Office of Teacher Education and Certification, Capital Plaza Tower, 500 Mero Street, Frankfort, KY 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Akeel Zaheer

(1) Type and number of entities affected: 176 local school districts with primary programs and potentially 5,000 elementary teachers who may be assigned to teach in the primary program.

(a) Direct and indirect costs or savings to those affected:

1. First year: School districts wishing to provide the preparation program must bear the costs associated with the program such as costs for materials, staff time, stipends for outside trainers, etc. No costs to participants in the program.

2. Continuing costs or savings: Same as above.

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: School districts will have to file applications for approval of program and report candidates who have completed the program.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Costs related to staff time for providing technical assistance, reviewing, and approving program applications. Individuals who complete the program must be issued certificates and records of such certification must be maintained.

2. Continuing costs or savings: Same as above.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Agency must communicate approval or disapproval of applications for program approval. Applications from program completers must be processed and certificates issued.

(3) Assessment of anticipated effect on state and local revenues: No effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Effective implementation of the primary school program established by the Kentucky Education Reform Act requires well-qualified teaching staff. The professional development program outlined in this regulation ensures that staff will receive the required preparation.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it. Disparate treatment of any person or entity subject to this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

PUBLIC PROTECTION AND REGULATION CABINET Department of Alcoholic Beverage Control

804 KAR 1:130. Containers.

RELATES TO: KRS 224.260

STATUTORY AUTHORITY: KRS 241.060

NECESSITY AND FUNCTION: KRS 244.260 as amended by the 1992 Session of the General Assembly, permits the sale of fifty (50) milliliter containers of distilled spirits and wine by Kentucky liquor wholesalers. Because of the bottle and the packaging requirements, this regulation is necessary to clarify any confusion about what constitutes a "case" of those containers under KRS 244.260.

Section 1. A case containing 120 or 240 fifty (50) milliliter bottles of distilled spirits and wine meets the case requirements of KRS 244.260.

DON W. STEPHENS, Commissioner

EDWARD J. HOLMES, Secretary

APPROVED BY AGENCY: July 13, 1992

FILED WITH LRC: July 14, 1992 at 10 a.m.

PUBLIC HEARING: A public hearing on the above proposed regulation will be held on Friday, August 21, 1992, at 9 a.m., in the Hearing Room of the Department of Alcoholic Beverage Control, 123 Walnut, Frankfort, Kentucky. Unless requests for a public hearing are received, in writing, five working days before the hearing date, the public hearing will be cancelled. Those who may be interested in attending, please contact: Toni Sanderson, Secretary to the Board, Alcoholic Beverage Control Board, 123 Walnut, Frankfort, Kentucky, 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Catherine C. Staib

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

- (b) Reporting and paperwork requirements: None
- (2) Effects on the promulgating administrative body: None
- (a) Direct and indirect costs or savings:
 - 1. First year: None
 - 2. Continuing costs or savings: None
- 3. Additional factors increasing or decreasing costs: None
- (b) Reporting and paperwork requirements: None
- (3) Assessment of anticipated effect on state and local revenues: None
- (4) Assessment of alternative methods; reasons why alternatives were rejected: Alternative was wholesale confusion.
- (5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
- (a) Necessity of proposed regulation if in conflict:
 - (b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
- (6) Any additional information or comments:
 - TIERING: Was tiering applied? Yes. Because regulation only applies to wholesale licensees.

CABINET FOR HUMAN RESOURCES
Interim Office of Health Planning & Certification

902 KAR 20:004. Certificate of need process.

RELATES TO: KRS 216B.010 to 216B.130, 216B.990(1), (2)
 STATUTORY AUTHORITY: KRS 13A.350, 216B.040, 216B.075,
 Executive Orders 92-419, 92-540

NECESSITY AND FUNCTION: KRS 216B.040 and 216B.075 require the promulgation of administrative regulations relating to certificate of need applications and review procedures and requirements for batching, issuing advisory opinions, cost escalations and cost overruns and progress reports.

Section 1. Definitions. Except as otherwise provided, for purposes of this regulation, the following definitions shall apply:

- (1) "Capital expenditure authorized" means the amount of the capital expenditure approved by the interim office to implement a proposal.
- (2) "Cost escalation" means an increase in the capital expenditure authorized on a certificate of need which has not been obligated as prescribed in KRS 216B.015(28).
- (3) "Cost overrun" means an increase in the capital expenditure authorized on a certificate of need which has been obligated without hearing officers' approval.
- (4) "Hearing officers" means those persons appointed by the Secretary of the Cabinet for Human Resources to perform the adjudicatory and decision-making functions of the Interim Office of Health Planning and Certification.
- (5) "Improvement" means change or addition to the premises of an existing facility so as to enhance its capability to deliver those services which it is authorized to offer under its existing license or under an outstanding certificate of need approval.
- (6) "Interim office" means the Interim Office of Health Planning and Certification created by Executive Order 92-419, dated April 27, 1992, and any successor office or agency.
- (7) "New construction" means building projects other than those which constitute the repair, renovation, alteration or improvement to the physical plant of an existing health facility.
- (8) "Public information channels" means the Office of Communications in the Cabinet for Human Resources.
- (9) "Review commences" means the date of public notice of the appropriate batching cycle for the particular application after it is deemed complete.

Section 2. Criteria. In determining whether to issue or deny a certificate of need the hearing officers shall utilize the following criteria:

- (1) Consistency with plans. To determine conformance with this criterion, the applicant shall address and the hearing officers shall

consider the relationship of the proposal to the state health plan.

(2) Need and accessibility. To determine conformance with this criterion, the applicant shall address and the hearing officers shall consider:

(a) The need that the population served or to be served has for the services proposed to be offered or expanded, and the extent to which all residents of the area, and in particular low income persons, racial and ethnic minorities, women, handicapped persons and other underserved groups are likely to have access to those services.

(b) The contribution of the proposed service to meeting the health-related needs of members of medically underserved groups which have traditionally experienced difficulties in obtaining equal access to health services (for example, low income persons, racial and ethnic minorities, women and people with disabilities), particularly those needs identified in the state health plan. In this regard, the hearing officers shall consider:

1. The extent to which medically underserved populations currently use the applicant's services in comparison to the percentage of the population in the applicant's service area which is medically underserved, and the extent to which medically underserved populations will use the proposed services if approved.

2. The extent to which the applicant offers alternative means, other than through admission by a physician, by which a person will have access to its services (e.g., admission through a clinic or emergency room).

(c) The effect of the means proposed for the delivery of health services on the clinical needs of health professional training programs in the area in which the services are to be provided.

(d) If proposed health services are to be available in a limited number of facilities, the extent to which the health professions schools in the area will have access to the services for training purposes.

(e) Special needs and circumstances of those entities which provide a substantial portion of their services or resources, or both, to individuals not residing in the health service areas in which the entities are located or in adjacent health service areas. These entities may include medical and other health professions schools, multidisciplinary clinics and specialty centers.

(f) Whether the approval of the proposal will adversely impact the public's access to needed services.

(3) Interrelationships and linkages. To determine conformance with this criterion the applicant shall address and the hearing officers shall consider:

(a) The relationship of the services to be provided to the existing health care system of the area in which the services are proposed to be provided.

(b) The relationship, including the organizational relationship, of the health services proposed to be provided to ancillary or support services.

(c) In the case of health services or facilities proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed.

(4) Costs, economic feasibility, and resource availability. To determine conformance with this criterion the applicant shall address and the hearing officers shall consider:

(a) The availability of less costly or more effective alternative methods of providing the services to be offered, expanded or relocated.

(b) The immediate and long-term financial feasibility of the proposal, as well as the probable impact of the proposal on the costs of and charges for providing health services by the person proposing the service.

(c) The availability of resources (including health personnel, management personnel, and funds for capital and operating needs) for the provision of the services proposed to be provided and the availability of alternative uses of these resources for the provision of other health services.

(d) The impact of the proposal on the financial resources of the overall health care delivery system.

(e) In the case of construction or renovation projects:

1. The costs and methods of the proposed construction or renovation, including the costs and methods of energy provision; and

2. The probable impact of the construction or renovation project reviewed on the costs of providing health services by the persons proposing the construction or renovation project and on the costs and charges to the public of providing health services by other persons.

(f) The effect of competition on the supply of the health services being reviewed, and whether the approval of the application will unnecessarily increase the cost of health care to the public.

(g) Improvements or innovations in the financing and delivery of health services which foster competition and serve to promote quality assurance and cost effectiveness.

(5) Quality of services. To determine conformance with this criterion the applicant shall address and the hearing officers shall consider the quality of care provided by the applicant in the past or the qualifications of the principals who will provide the health service which would assure that quality care will be provided and any perceivable detrimental effects of the proposal on the quality of similar services in the area.

(6) The hearing officers shall also consider:

(a) Whether the approval of the applicant's proposal will have an adverse impact on the quality of care provided by any person offering the same or similar services in any portion of the applicant's proposed service area due to decreased volume or number of procedures.

(b) Whether the applicant will be able to comply with applicable licensure requirements.

Section 3. Proposed New Use. If a person acquires major medical equipment not located in a health facility without a certificate of need and proposes at any time to use that equipment to serve inpatients of a health care facility, the proposed new use must be reviewed unless the equipment will be used to provide services to inpatients of a health care facility only on a temporary basis in the case of an emergency, a natural disaster, a major accident, or an equipment failure. For the purposes of this section "temporary basis" means on an occasional and irregular basis or until the applicant's proposal for permanent acquisition or regular use by a health care facility is reviewed under the formal or nonsubstantive review process.

Section 4. Review Process. (1) Prior to submitting an application for certificate of need, applicants must first file a letter of intent with the interim office on a form prescribed by the interim office. Letters of intent must be filed at least thirty (30) days prior to filing an application for certificate of need.

(2) A letter of intent is valid for a period of one (1) year. If an application is denied, a new letter of intent must be filed in order to resubmit the application. If an application is withdrawn prior to a final decision, a new letter of intent must be filed.

(3) Upon receipt of a letter of intent, the interim office shall acknowledge receipt of the letter of intent and shall provide the applicant with the appropriate certificate of need application forms and instruction sheets.

(4) An original certificate of need application and four (4) copies shall be filed with the interim office according to the timetable set out in subsection (9) of this section.

(5) Fifteen (15) days after receipt of the application, the interim office shall acknowledge receipt and shall notify the applicant whether or not the application is complete.

(6) If the application is not complete, the notice to the applicant shall give the applicant the option of completing the application by submitting additional information or of notifying the interim office that the applicant elects for the application to be processed as originally submitted.

(7) Upon receipt of the requested additional information or upon receipt of a letter from the applicant stating that he elects for the application to be processed as originally submitted, the interim office shall deem the application complete and shall give notice of the beginning of review. Applications must be declared complete at least six (6) working days prior to the date of public notice in order to be included in such notice. In order to submit additional information to be made a part of the record after the application has been declared complete, it must be introduced at a public hearing.

(8) The notice of completeness shall include the schedule for the

review and the period in which a public hearing may be requested by the applicant and other affected persons. The notice to members of the public and third party payors shall be provided through public information channels. Notice to all other known affected persons shall be by mail.

(9) Batching review cycles shall be as follows:

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TYPE OF PROPOSAL	Applications must be filed by third Wednesday of:	Month of public notice, ninety (90) days prior to decision date	Month of decision, third Wednesday of:
(a) Acute, psychiatric, rehab, chemical dependency facilities, psychiatric residential treatment facilities and other related components in the SHP (except specialized equipment and services) such as IC/CC, neonatal, and surgical services (including free-standing ambulatory surgical center) and birthing centers.	October, January, April, July	November, February, May, August	February, May, August, November
(b) Skilled nursing, nursing home, intermediate care, personal care, or nursing facility.	November	December	March
(c) Personal care or IC MR/DD	November, February, May, August, December, June	December, March, June, September, January, July	March, June, September, December, April, October
(d) Transplantation, magnetic resonance imaging, lithotripter, radiation therapy, C.T. scanner, cardiac catheterization, open heart surgery, and new technological developments.			
(e) Day health care center, ambulatory care clinic, rehab agency, hospice, home health or home health/hospice.	October, January, May, July	November, February, June, August	February, May, September, November
(f) Ambulance, NE health transportation, and air ambulance services.	November, January, April, June, August	December, February, May, July, September	March, May, August, October, December
(g) All mobile services except those covered under specialized equipment and services.	October, December, February, April, June, August	November, January, March, May, July, September	February, April, June, August, October, December
(h) Any proposals not listed above will be placed in the most appropriate cycle as determined by the interim office.			
(i) Any proposals granted nonsubstantive review status as specified in KRS 216B.095(3)(a)(b)(c)(d)(e)(f) and (g), plus technical modifications (CON) will be processed in accordance with KRS 216B.095(1).			

(10) The interim office shall notify the applicant by certified mail and any party to the proceeding by regular mail of the hearing officers' final action on a certificate of need application.

(11) The written notification shall include:

(a) Verification that the criteria have been met or, if the application is inconsistent with any criteria, the reasons for approval notwithstanding the inconsistency;

(b) Amount of capital expenditure authorized, where applicable;

(c) If the application is disapproved, the reasons for the disapproval; and

(d) Notice of appeal rights.

(12) All applications not declared complete with a year from the date of filing shall expire and shall not be reviewed.

(13) If an application for certificate of need is disapproved, it may not be refilled for a period of twelve (12) months, absent a showing of a significant change in circumstances.

Section 5. Certificate of Need Hearings. (1) Notice of the date, time and location of the hearing shall be mailed to all known affected persons at least ten (10) days before the date of the hearing. Notice to third party payors and members of the public shall be provided through public information channels.

(2) Hearing requests may be withdrawn by written requested filed at least three (3) working days in advance of the scheduled hearing date. In order for a public hearing to be cancelled, all persons who requested the hearing must agree in writing to cancellation.

(3) The hearing officers may conduct prehearing conferences to resolve issues not in dispute or not requiring an evidentiary record and may issue prehearing orders which shall determine the form and

the manner in which the evidentiary hearing is conducted.

(4) The hearing officer may be prehearing order require the following to be filed with the interim office by all affected persons within a reasonable time prior to the public hearing:

(a) An entry of appearance on a form prescribed by the interim office.

(b) Witness lists on a form prescribed by the interim office.

(c) An exhibit list on a form prescribed by the interim office.

(d) One (1) copy of any exhibit that will be submitted for introduction into the record at the public hearing.

(5) The hearing officers may place reasonable time limits upon the presentation of testimony, evidence and argument, and may terminate or exclude irrelevant or redundant evidence, testimony or argument.

(6) There shall be no prehearing discovery allowed of any affected person by any affected person, other than the exchange of exhibits.

(7) The record on any certificate of need application shall be closed for evidentiary purposes upon completion of the public hearing and may be reopened only upon order of the hearing officers.

(8) Upon completion of a public hearing, parties to the proceedings may submit proposed findings of fact and conclusions of law for consideration by the hearing officers, within reasonable time limits set by the hearing officers.

Section 6. Request for Reconsideration. The hearing officers shall act upon request for reconsideration no later than thirty (30) days following receipt of such requests. If reconsideration is granted, a reconsideration hearing shall be held within thirty (30) days of the

decision to grant reconsideration, and a final decision shall be made no later than thirty (30) days following the reconsideration hearing.

Section 7. Nonsubstantive Review. (1) In addition to the projects specified in KRS 216B.095(3)(a) through (f), if a proposal described below requires certificate of need approval, it will be granted nonsubstantive review status:

- (a) Technical modifications to an approved certificate of need.
- (b) Emergency circumstances which, if not promptly acted upon, would pose a threat to the life, health and safety of any citizen of the Commonwealth. Emergency circumstances shall include acts of God, fire, vandalism, structural or mechanical failure and other situations which pose a life, health or safety threatening circumstance. Any applicant acting under this subsection may proceed to relieve any of the above listed emergency circumstances provided the office is notified in writing prior to such action and provided the application is submitted within thirty (30) days of the occurrence of the emergency.
- (c) New construction which does not involve a substantial change in beds, a substantial change in a health service, or the addition of major medical equipment.

(d) Applications proposing the use of existing mobile services and equipment to provide health care access in unserved geographic areas of the Commonwealth.

(e) Applications proposing the use of existing mobile services to provide health care access for which the Kentucky General Assembly has specifically appropriated funds.

(2) Procedures for nonsubstantive review shall be as follows:

(a) The original certificate of need application and four (4) copies, with a request for nonsubstantive review shall be submitted to the interim office.

(b) Within fifteen (15) days of the receipt of the application, the interim office shall acknowledge receipt of the application in writing to the applicant, and shall notify the applicant whether or not the application is complete.

(c) If the application is not complete, the notice to the applicant shall give the applicant the option of submitting the additional information or of notifying the interim office upon receipt of the request for additional information, that he elects for the application to be processed as originally submitted.

(d) Upon receipt of the requested additional information by the interim office, or upon receipt of a letter from the applicant that he elects for the application to be processed as originally submitted, the interim office shall declare the application to be deemed complete.

(e) The hearing officers' decision to grant or deny nonsubstantive review status shall be provided to the applicant and notice of the decision to conduct a nonsubstantive review shall be provided to other affected persons by mail no later than the tenth day after the application has been deemed complete. The notice of the review to members of the public and third party payors shall be provided through public information channels.

(f) If nonsubstantive review status is denied, the applicant may request a public hearing by filing a request with the interim office within ten (10) days of the notice to deny nonsubstantive review. As applicable, hearings shall be conducted as provided by KRS 216B.085.

(g) If a certificate of need is denied following a nonsubstantive review and a formal review is requested, no letter of intent shall be required, but the filing of the request for nonsubstantive review shall be considered compliance with any requirement for a letter of intent.

Section 8. Conditions Relative to a Certificate of Need. (1) No person shall transfer from one (1) legal applicant to another an approved certificate of need for the establishment of a new health facility or the replacement of an existing facility without first obtaining a certificate of need. All other certificates of need may be transferred to the new owner of the facility or service if a change of ownership occurs prior to the implementation of the project for which the certificate of need was issued.

(2) A certificate of need approved for establishment of a new health facility or the replacement of an existing facility is issued only for the location stated on the certificate.

(3) A certificate of need holder shall notify the interim office of any reduction or termination of a health service or a reduction in bed capacity for an approved project no later than the first progress report after the decision to make the change has been determined.

Section 9. Administrative Cost Escalations and Overruns. (1) A certificate of need shall be required for an escalation or cost overrun of the capital expenditure authorized by an approved certificate of need in all instances where there is a substantial change in the project, or where the escalation or overrun exceeds the following limits:

(a) Twenty (20) percent of the capital expenditure authorized or \$100,000, whichever is greater, in the case of projects with a capital expenditure of less than \$500,000;

(b) Twenty (20) percent of the capital expenditure authorized, in the case of projects with a capital expenditure of \$500,000 or greater, but less than \$5,000,000;

(c) Ten (10) percent of the amount in excess of \$5,000,000, plus \$1,000,000, in the case of projects with a capital expenditure of \$5,000,000 or greater, but less than \$25,000,000;

(d) Five (5) percent of the amount in excess of \$25,000,000, plus \$3,000,000, in the case of projects with a capital expenditure of \$25,000,000 or greater, but less than \$50,000,000; or

(e) Two (2) percent of the amount in excess of \$50,000,000, plus \$4,250,000 in the case of projects with a capital expenditure of \$50,000,000 or greater.

(2) Requests for administrative cost escalations or overruns shall be submitted to the interim office, on a form prescribed by the interim office. Such requests shall include the amount of the escalation or overrun, the factors causing the escalation or overrun, and information to assure that the scope of the project as originally approved has not changed. The hearing officers shall review all requests for administrative cost escalations and overruns and the interim office shall notify the certificate of need holder within thirty (30) days of receipt whether the requested escalation or overrun meets the requirements of subsection (1) of this section.

(3) The certificate of need holder shall submit any additional certificate of need application fee required by the increased capital expenditure pursuant to the requirements of 902 KAR 20:135.

(4) A certificate of need holder who obligates an amount exceeding the capital expenditure authorized without receiving an approved escalation per subsection (1) of this section is subject to the appropriate penalty per KRS 216B.990.

Section 10. Timetables and Standards for Implementation. (1) As one (1) of the conditions for issuance of a certificate of need, all certificate of need holders shall submit a report of progress on a form prescribed by the interim office according to the timetables and standards set forth below or more frequently if required by the interim office. The hearing officers may revoke the certificate of need, or portions thereof, for failure to submit reports as required.

(2) Certificate of need holders shall be sent notice specifying the date each progress report is due.

(3) The first progress report shall be due six (6) months from the date the certificate was issued and shall include the following:

(a) On all projects for purchase of equipment only, a copy of the purchase order.

(b) For all construction projects, a copy of the deed or the option to acquire the site.

(4) A second progress report shall be due twelve (12) months from the date of the certificate of need was issued and shall include documentation that:

(a) All projects for conversion of beds are complete;

(b) All projects for addition of new services, not involving construction, are complete;

(c) Schematic plans have been submitted to the Department of Housing, Buildings and Construction and the Cabinet for Human Resources for construction projects.

(5) The second progress report for all construction projects shall also include:

(a) Schedule for project completion with projected dates;

- (b) Evidence of preliminary negotiation with financial agent;
- (c) Evidence of preliminary negotiation with contractors.
- (6) Within eighteen (18) months after a certificate of need has been issued, a third progress report shall be submitted which shall include the following information regarding all construction projects:
 - (a) Copy of deed or lease of land;
 - (b) Evidence that the holder has sufficient capital obligated to complete the project. If the source of capital is to be a financing agreement, the holder must have evidence that a final enforceable agreement or note has been executed;
 - (c) Documentation that final plans have been submitted to the Department of Housing, Buildings and Construction and the Cabinet for Human Resources;
 - (d) Enforceable contract with construction contractor;
 - (e) On all projects for purchase of equipment only, evidence that equipment has been installed.
- (7) Within two (2) years after a certificate of need has been issued, a fourth six (6) month report shall be submitted which shall verify that all construction projects have the walls and roof up and plumbing roughed in.
- (8) Within six (6) months following completion of a project for which a certificate of need has been issued for a specific service area, all certificate holders shall submit documentation that services are being provided to all of the licensed service area. Failure to provide such documentation shall constitute grounds for revocation of the certificate of need as to those areas for which the holder has not been licensed.

Section 11. Advisory Opinions. The process for seeking an advisory opinion from the hearing officers shall be as follows:

- (1) Requests for advisory opinions shall be made, in writing, on a form prescribed by the interim office.
- (2) The hearing officers may require verification of information and may request additional documentation, if necessary.
- (3) The hearing officers shall issue a written advisory opinion within thirty (30) days of receipt of a completed request for an opinion or of receipt of additional information.

GREG LAWTHOR, Acting Executive Director
LEONARD E. HELLER, Secretary

APPROVED BY AGENCY: June 24, 1992
FILED WITH LRC: July 1, 1992 at 8 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for August 21, 1992 at 9 a.m. in the Board Room, 2nd Floor, Health Services Building. However, this hearing will be cancelled unless interested persons notify the following office in writing by August 16, 1992 of their desire to appear and testify at the hearing: Masten Childers II, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Greg Lawther

- (1) Type and number of entities affected: Current certificate of need holders and all persons seeking to provide a health service or establish a health facility in the Commonwealth will be affected.
 - (a) Direct and indirect costs or savings to those affected:
 - 1. First year: NA - Certificate of need application fees remain unchanged.
 - 2. Continuing costs or savings: N/A
 - 3. Additional factors increasing or decreasing costs (note any effects upon competition): None
 - (b) Reporting and paperwork requirements: Same as under previous regulation (902 KAR 20:006) which has expired.
- (2) Effects on the promulgating administrative body: Allows the certificate of need process to function, albeit under the restraint of the moratorium imposed by executive orders.
 - (a) Direct and indirect costs or savings:
 - 1. First year: None
 - 2. Continuing costs or savings: None
 - 3. Additional factors increasing or decreasing costs: None

- (b) Reporting and paperwork requirements:
- (3) Assessment of anticipated effect on state and local revenues: \$33,835 in state revenues from application fees are anticipated to be generated.
- (4) Assessment of alternative methods; reasons why alternatives were rejected: None
- (5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: NA
 - (a) Necessity of proposed regulation if in conflict: NA
 - (b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: NA
 - (6) Any additional information or comments: None
- TIERING: Was tiering applied? No. Regulations apply uniformly to all applicants and certificate holders.

CABINET FOR HUMAN RESOURCES Department for Social Services

905 KAR 2:100. Certification of family child care homes.

RELATES TO: KRS 17.165, Senate Bill 211 1992 GA, 42 USC 602
STATUTORY AUTHORITY: KRS 194.050, Senate Bill 211 1992 GA

NECESSITY AND FUNCTION: KRS 194.050 provides that the Secretary for the Cabinet for Human Resources shall adopt administrative regulations necessary to operate programs and fulfill the responsibilities vested in the cabinet. In compliance with SB 211, the Department for Social Services has established standards for the certification of family child care homes. These standards are intended to protect the health, safety and welfare of children. This administrative regulation contains the substance of 905 KAR 2:070 which is herein repealed.

Section 1. Definitions. (1) "Assistant" means a person:

- (a) Sixteen (16) years of age or older;
- (b) Under direct supervision of a provider or substitute provider; and
- (c) Has obtained a criminal records check and tuberculosis skin test.
- (2) "Cabinet" means the Kentucky Cabinet for Human Resources.
- (3) "Child" means a person under thirteen (13) years of age, or under eighteen (18) years of age if the person has been identified as having special child care needs.
- (4) "Commissioner" means the Commissioner for the Department for Social Services.
- (5) "Family child care home" as governed by SB 211.
- (6) "Family child care" means the provision of regular care and supervision to six (6) or fewer children for part of a twenty-four (24) hour period, in the caregiver's own home, as a supplement to regular parental care.
- (7) "Home" means the private primary residence of the provider.
- (8) "Infant" means a child under one (1) year of age.
- (9) "Nighttime care" means family home child care in which a child receives regular full, or part-time care during the night, and beginning at 6 p.m.
- (10) "Provider" means a person providing care for preschool or school-age children or both inside his own home for less than twenty-four (24) hours a day, and who is not required to be licensed under 905 KAR 2:090.
- (11) "Provider's own child" means the providers's own children, grandchildren, nieces, nephews, and children in legal custody under the age of six (6).
- (12) "Regular" means the provision of child care services in the caregiver's home on more than one (1) day in one (1) week or more than ten (10) hours per week.
- (13) "School-age child" shall be considered as one attending

kindergarten or above.

(14) "Special needs child" means children who have multiple or severe problems and the Department for Social Service staff has confirmed the need for ongoing specialized care.

(15) "Substitute provider" means a person:

(a) Who is twenty one (21) years of age;

(b) Has obtained a criminal records check and a tuberculosis skin test; and

(c) Is available to provide care in a family child care home.

(16) "Toddler" means a child between the age of twelve (12) months and twenty four (24) months.

Section 2. Certification Process. The department shall be responsible for the certification of family child care homes. Authorized representatives of the department have the authority to inspect premises, records required by this administrative regulation, and program of family child care homes. Inspections by the department shall be unannounced. A provider shall apply for certification if the provider is caring for four (4) to six (6) children and may apply if caring for three (3) or fewer children as governed by SB 211.

(1) A provider making application for certification shall:

(a) Complete the DSS-78, Application for Family Child Care Certification, incorporated by reference herein;

(b) Complete the DSS-79, Self-Check List, incorporated by reference herein;

(c) Meet the minimum requirements as governed by SB 211;

(d) Submit a criminal records check for adult persons living in the home;

(e) Comply with provisions set forth in Sections 3 and 4 of this regulation; and

(f) Within three (3) months of the date of preliminary permission to operate, demonstrate completion of training as governed by SB 211 and comply with deficiencies cited during the inspection of the home specified in subsection (2) of this section.

(2) Upon receipt of the application and fee:

(a) Staff shall review the application and, if acceptable, shall issue a written preliminary permission to operate; and

(b) An initial inspection of the home shall be made by a representative of the department as governed by SB 211.

(3) If the requirements have been met, the home shall be certified and a certificate shall be issued for a two (2) year period.

(a) The certificate shall be displayed where parents can read it and shall contain:

1. The name and address of the provider;
2. Limit of children to be served;
3. Identification number; and
4. Effective and expiration dates.

(b) The certification shall be valid for the certified caregiver and the address listed. A change of address or move change shall be reported to the Department for Social Services and an updated DSS-79 completed.

(4) If the provider does not wish or cannot comply with the standards set forth in this administrative regulation, within three (3) months of the initial inspection, then the application shall be denied.

(5) Renewal. The renewal certification process shall be repeated every two (2) years.

(6) The cabinet shall review and may deny, suspend, revoke or refuse certification:

(a) If the provider or an adult living in the provider's home:

1. Has been convicted of a crime related to abuse, neglect or exploitation of a child;

2. Refuses to provide a criminal records check; or

(b) If the family child care home fails to comply with certification standards set forth in this administrative regulation.

(7) Appeal.

(a) If the cabinet denies, suspends, revokes or refuses to renew a certification, the cabinet shall notify the provider in writing stating

the reasons for the adverse action and the provider's right of appeal.

(b) If the provider feels an action of the Department for Social Services is unfair, without reason, or unwarranted, the provider may appeal the action, in writing, to the Commissioner of the Department for Social Services, 6th Floor, 275 East Main Street, Frankfort, Kentucky 40621, within fifteen (15) days after receiving the notice of the action from the cabinet.

(c) Upon receipt of the request for hearing, the commissioner, or commissioner's designee, shall notify the provider in writing within fifteen (15) days of the time and place of the hearing. The commissioner shall appoint a hearing officer to review the record, take additional evidence, and make recommendations upon the matter appealed.

(d) Based upon the record and upon the information obtained at the hearing, the hearing officer shall affirm or overturn the initial decision of negative action. The decision shall be final. The provider shall be notified in writing of the decision of the hearing officer.

(e) If certification, denial or revocation is upheld, the commissioner's notification shall specify the date by which the family child care home shall close.

(f) A family child care home continuing to have four (4) to six (6) children in attendance after the closing date established by the commissioner shall be subject to legal action by the cabinet as provided by law.

Section 3. Standards for the Provider. (1) Qualifications of provider and staff:

(a) The provider shall be at least twenty-one (21) years of age;

(b) The provider shall meet minimum requirements as governed by SB 211; and

(c) Beginning with the second year of operation, the provider shall participate annually in at least six (6) hours of training in child development approved by the Department for Social Services.

(2) Staff-child ratio. A certified provider may not care for more than six (6) children including the provider's own children under the age of six (6).

(a) If children under the age of two (2) are present, the limitation on the maximum number of children shall be as follows:

Number of Children Under the Age of Two Years	Maximum Total Number of Children*
0	6
1	6
2	6
3	5
4	5

*The total does not include the provider's own children six (6) years of age and older.

(b) If more than four (4) infants are in care, the provider shall have an assistant before additional children may be in care.

(3) The family child care home environment. The provider's home and play areas used for child care shall be safe and have adequate heat, light and ventilation.

(a) Each floor level used for child care shall have at least one (1) unblocked exit and at least one (1) smoke detector and fire extinguisher.

(b) The home shall be free of hazards and the following items shall be kept inaccessible to children:

1. Medications and drugs;
2. Cleaning supplies, poisons and insecticides;
3. Guns, knives, scissors and sharp objects;
4. Power tools, lawn mowers, hand tools, nails and other equipment;
5. Matches, cigarettes, lighters and flammable liquids;

6. Alcoholic beverages;

7. Plastic bags; and

8. Litter and rubbish.

(c) Electrical outlets not in use shall be covered.

(d) Electric fans, floor furnaces, or freestanding heaters or fireplaces, shall be out of the reach of children or have a safety guard on them to protect children from injury.

(e) The home shall have at least one (1) telephone in working order with a list of emergency numbers posted by each telephone, including numbers for the:

1. Police;

2. Fire station;

3. Emergency medical care, rescue squad; and

4. Poison control center.

(f) Equipment and toys shall be developmentally appropriate for the ages and number of children in care and be kept in good repair.

(g) Stairs and steps used for children in care shall be solid, safe and railed. Indoor stairs with more than two (2) steps shall be blocked if children in care are infants or toddlers.

(h) The provider shall maintain first aid supplies that are easily accessible for use in an emergency, and shall wash superficial wounds with soap and water before bandaging. First aid supplies shall include a fully equipped first aid kit containing unexpired items approved by the American Red Cross.

(i) Indoor areas, including furnishings, used for child care shall contain a minimum of thirty-five (35) square feet per child for play and for activities which meet the development needs of the children in care.

(j) Outdoor play areas shall be free of hazards and shall be fenced or the provider shall make provisions to assure that the children are under direct supervision in outdoor play areas.

(k) Outdoor stationary play equipment shall be securely anchored.

(l) Practice fire and tornado drills shall be conducted with the children at least monthly and documented.

(m) Health and sanitation for the child care environment shall require that the provider:

1. Have a home that is kept clean, uncluttered and free of insects and rodents;

2. Have a water supply properly located, protected, adequate, and of a source approved by the local health department;

3. Have bathrooms, including toilets, sinks, and potty chairs that are sanitary and in good working condition;

4. Assure that a covered, leak-proof container which is emptied and cleaned daily is available for soiled diapers;

5. Refrigerate perishable food and beverages. The refrigerator shall be in working order and maintain a temperature of forty (40) degrees or below and frozen food shall be kept at temperatures to remain frozen, except if being thawed for preparation or use;

6. Label bottles for each individual child, except if there is only one (1) bottle-fed child in care;

7. Serve only pasteurized milk or milk products;

8. Screen windows and doors used for ventilation;

9. Have household pets vaccinated for rabies;

10. Store indoor and outdoor garbage in waterproof containers with tight-fitting covers;

11. Provide adequate space for a rest-time for each child in care for more than four (4) hours. Individual linens shall be provided for each child and shall be changed at least weekly or if they become soiled or wet.

(4) Program for children. A plan for daily activities and routines shall be established.

(5) Children shall be released from the family child care home to:

(a) The child's custodial parent;

(b) The person designated in writing by the parent to receive the child; and

(c) A person in an emergency designated over the telephone by the parent.

(6) Child health care. To assure a healthy environment, the provider shall:

(a) Maintain current immunizations certificates for each child within thirty (30) days of enrollment;

(b) Maintain for each child a health and emergency information form completed and signed by the child's parent or guardian. The completed form shall be on file on the first day the child attends and includes the following information:

1. The child's name, address, and date of birth;

2. The names of individuals to whom the child may be released;

3. The general status of the child's health;

4. Allergies or restrictions on the child's participation in activities with specific instructions from the child's parent or physician;

5. The names and phone numbers of persons to be contacted in an emergency situation;

6. The name and phone number of the child's physician and preferred hospital; and

7. Authorization by the parent or guardian for the provider to seek emergency medical care in the parent's absence.

(c) Provide a quiet, separate area which can be easily supervised for children too sick to remain with other children;

(d) Prohibit prescription medications or aspirin to be administered to a child except as authorized by a licensed physician and with written daily request of the parent or guardian; and

(e) Administer nonprescription medication to a child only with written daily request of parent or guardian.

(7) Transportation. To assure the safety of children if transportation is provided or arranged by the provider, the provider shall:

(a) Have written permission from a parent or guardian to transport his child;

(b) Have a car or van equipped with seat belts which allows each child to be individually secured;

(c) Require that each child shall have a seat and remain seated while the vehicle is in motion. A child under four (4) years of age or under forty (40) inches in height shall be transported restrained in an approved safety seat;

(d) Have a valid driver's license issued by the Division of Motor Vehicles;

(e) Have emergency and identification information about each child in the vehicle whenever children are being transported; and

(f) Conform to state laws pertaining to vehicles, drivers license and insurance as governed by KRS 281.600, 138.655, and 186.020.

(8) Child records. The provider shall not disclose or knowingly permit the use of information concerning the child or family directly or indirectly except to representatives of the Cabinet for Human Resources or as governed by this administrative regulation.

(9) Provider and parent communication. The program shall ensure ongoing communication with a child's parent by:

(a) Developing written information about the service which specifies the charge for child care and the expected frequency of payment for the program;

(b) Make available a copy of the certification standards to each parent;

(c) Give each parent the name and address and telephone number of the cabinet, to register complaints if he believes the family child care home provider is not meeting the standards; and

(d) Post and provide to each parent copies of children and parent rights pursuant to SB 211.

Section 4. The provider shall comply with the following:

(1) Swimming or wading pools on the premises shall be maintained and supervised when in use in order to safeguard the lives and health of the children.

(2) Wash hands with soap and water before and after diapering a child.

(3) Use sanitary procedures when preparing and serving food.

(4) Assure that children shall not share cups, eating utensils,

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wash cloths or towels.

(5) The provider or other persons in the home shall not be under the influence of alcohol or drugs while children are in care except those drugs prescribed by a physician.

(6) Prohibit smoking in the presence of children in care.

(7) The provider or other person in the home shall not use physical punishment:

(a) A child shall not be:

1. Handled roughly in any way, including shaking, pushing, shoving, pinching, slapping, biting, kicking and spanking; or

2. Placed in a locked room, closet, box or other confined space;

(b) The provider or other person in the home shall not:

1. Use disciplinary methods which humiliate, shame or frighten the child; or

2. Use harsh or demeaning language in the presence of the children;

(c) Discipline shall not be:

1. Delegated to another child; or

2. Related to food, rest or toileting:

a. Food shall not be withheld or given as a means of discipline;

b. A child shall not be disciplined for lapses in toilet training; or

c. A child shall not be disciplined for not sleeping during rest time.

(8) In the absence of the provider, a substitute provider shall be physically present at the family child care home during hours of operation. The provider shall not be employed outside the home during regular hours of operation. Children are not permitted off the premises without the caregiver. An exception may be made for school-age children, as long as their whereabouts are known, and the parents have given written permission.

(9) An infant's formula shall be prepared and provided by the parent. An exception may be made for providers that provide formula as a fringe benefit to the parent.

(10) Infants in care shall be held during feeding and bottles shall never be propped.

(11) If overnight care is provided, the provider shall:

(a) Remain awake until every child in care is asleep;

(b) Sleep on the same level as infants and toddlers; and

(c) Provide comfortable, clean and safe bedding for each child.

(12) Serve meals which include a food from each of the four (4) basic food groups and snacks appropriate in amount and type of foods served for the ages of the children in care.

(13) Provide opportunities for outdoor play or fresh air.

(14) Be able to recognize symptoms of childhood illnesses.

(15) Visually supervise children who are awake and be able to respond to the children immediately.

(16) Be able to provide basic first aid.

(17) Never leave children in a vehicle unattended by an adult.

(18) Never use the back of pick-up trucks to transport children.

(19) Allow parents to visit and observe the program during the hours of operation and communicate with each child's parent about his child's development, activities, likes and dislikes.

Section 5. Incorporation by Reference. (1) Forms necessary for the implementation of the certification of family child care homes shall be herein incorporated by reference.

(2) Material incorporated by reference may be inspected or copied at the Department for Social Services, Cabinet for Human Resources Building, 6th Floor, 275 East Main Street, Frankfort, Kentucky 40621. Office hours are 8 a.m. to 4:30 p.m.

Section 6. Repeal. 905 KAR 2:070 is hereby repealed.

PEGGY WALLACE, Commissioner

LEONARD E. HELLER, Secretary

APPROVED BY AGENCY: July 14, 1992

FILED WITH LRC: July 15, 1992 at noon

PUBLIC HEARING: A public hearing on this regulation will be

held on August 21, 1992 at 9 a.m. in the Health Services Auditorium, 1st Floor, Health Services Building, 275 East Main Street, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing the following office by August 16, 1991: Masten Childers II, Office of General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Michael Cheek

(1) Type and number of entities affected: The type and number of entities affected are the 171 currently certified small family day care homes, 100 applications filed requesting certification and day care providers who may wish to expand services from caring for 3 children to 6 children and who would need certification rather than licensure in compliance with SB 211.

(a) Direct and indirect costs or savings to those affected: For those entities currently certified or with applications filed there will be no direct or indirect costs unless they desire to increase the number of children in care. Additional costs associated with mandatory certification should be offset by the increase in the number of children allowed in care.

1. First year: For those entities currently certified or with applications filed there will be no direct or indirect costs unless they desire to increase the number of children in care. Additional costs associated with mandatory certification should be offset by the increase in the number of children allowed in care.

2. Continuing costs or savings: For those entities currently certified or with applications filed there will be no direct or indirect costs unless they desire to increase the number of children in care. Additional costs associated with mandatory certification should be offset by the increase in the number of children allowed in care.

3. Additional factors increasing or decreasing costs (note any effects upon competition): Another factor decreasing the costs to the entities, is if they choose to care for four to six children they shall be certified rather than licensed as a Type II facility and the initial and renewal fees for certification are less. A factor that may increase the cost to the entities is that currently licensed providers caring for four to six children and receiving a state or federal subsidy upon renewal will become certified and eligible for the certified rate.

(b) Reporting and paperwork requirements: There will be an increase in reporting and paperwork requirements only for those providers who choose to expand their child care operations from 3 to 6 children. Those licensed providers who care for four to six children may experience a decrease in the reporting and paperwork requirements as they become certified rather than licensed.

(2) Effects on the promulgating administrative body: The effect on the promulgating agency is an increase in the number of family child care homes that will require certification including monitoring, inspections and enforcement activity.

(a) Direct and indirect costs or savings: Direct costs to the agency will be the need for an additional 5 staff to complete the certification process of family child care homes statewide. Indirect savings to the agency will be the development of additional certified family child care homes statewide, which will provide safe and secure child care for the citizens of the Commonwealth.

1. First year: First year costs will include the employment of 5 additional family child care homes certification staff at a cost of approximately \$203,000 which may be funded from the CCDBG funds and includes personnel, operating and indirect cost.

2. Continuing costs or savings: Continuing costs or savings are a 3% increase in personnel, operating and indirect cost during the next year.

3. Additional factors increasing or decreasing costs: An additional factor that may increase or decrease the cost to the agency is the number of providers that choose to become certified family child care homes or the number Type II licensed homes that choose to care for

four to six children and become certified family child care homes.

(b) Reporting and paperwork requirements: Additional reporting and paperwork requirements will be required to track training of employees and owners of certified homes and to coordinate the certification and renewal process.

(3) Assessment of anticipated effect on state and local revenues: The anticipated effect on state and local revenues is an increase in the number of family child care homes resulting in increased revenues for both the state and local areas.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The Child Care Advisory Council, which consist of day care providers and other child care professionals, and the Department of Social Services discussed various options and requirements and this administrative regulation was the final recommendation.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There are no statutes, regulations or policy that are in conflict, overlap or duplicate this regulation.

(a) Necessity of proposed regulation if in conflict: There are no conflicts in state, regulations or policy.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There are no conflicts in statute, regulations or policy.

(6) Any additional information or comments: There are no additional information or comments of which we are aware.

TIERING: Was tiering applied? Yes. Upon adoption of this administrative regulation currently certified homes shall comply with new provisions of these regulations upon renewal of their certification or if they decide to increase the number of children in care from three up to six.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of the July 1 and 2, 1992 Meeting

The July meeting of the Administrative Regulation Review Subcommittee was held on Wednesday, July 1, 1992 at 2:30 p.m. and Thursday, July 2, 1992 at 10 a.m. in Room 131 of the Capitol Annex. Chairman Tom Kerr called the meeting to order, and the secretary called the roll. The minutes of the June 2 and 3, 1992 meeting were approved.

Present were:

Members: July 1, 1992: Representative Tom Kerr, Chairman; Senators Gene Huff and Bill Quinlan; Representatives Woody Allen, Jim Bruce and James Yates. July 2, 1992: Representative Tom Kerr, Chairman; Senators Pat McCuiston, Gene Huff and Bill Quinlan; Representatives Jim Bruce, Woody Allen and James Yates.

Guests: Senator Fred Bradley, Paul P. Borden, Richard Casey, Joyce A. Bryan, KHEAA; Susan Leib, Debbie McGuffey, Council on Higher Education; Jim Byrum, KEA; Dan Egbers, Donna Kane, Shirley Clark, Department of Personnel; Hanson Williams, Personnel Board; Robert Leggett, Pam Johnson, William P. Hanes, William E. Johnson, Gene B. Drake, Kentucky Retirement System; Don McCormick, Lauren Schaaf, Jim Owens, Grant Winston, Ted Crowell, Rebecca Games, Lynn Garrison, Paul Oliver, Pete Pfeiffer, Department of Fish and Wildlife; Mike Fulkerson, Bernard J. Hettel, Kentucky Racing Commission; Tom Campbell, Lori Poole, Corrections Cabinet; Kevin Noland, Rick Dear, Susan Goins, Paul Hampton, Marlene McCullough, Chris Luvisi, John Ledford, Robert Trahan, Department of Education; Dwayne Gatewood, Beverly Haverstock, Workforce Development Cabinet, Gary L. Moberly, Rex Hunt, Kembra Taylor, Guy Schoolfield, Labor Cabinet; Catherine C. Staib, Roy Collins, Alcoholic Beverage Control Board; Tom Barnes, Department of Housing; John Wilson, Bill Graves, Public Affairs; Marvin Terry, Bob Padgett, Coalition of State Employee Organizations; James I. Terry; Ed Hancock, AT&T; Jim Peel, Kentucky Public Retirees; Michael Haynes, International Assoc. of Personnel in Employment Security; Eddie Adams, 10 to 40 Club of Transportation; D. Kevin Ryan; Sam Crawford, Kentucky Farm Bureau; Madelynn Coldiron, State Journal.

LRC Staff: July 1, 1992: Joe Hood, Susan Wunderlich, Donna Pierce, Peggy Jones, Susan Eastman. July 2, 1992: Joe Hood, Patrice Carroll, Tom Troth, Susan Wunderlich, Donna Pierce, Peggy Jones, Susan Eastman.

The Subcommittee determined that the following administrative regulations, as amended, complied with KRS Chapter 13A:

Public Protection and Regulation Cabinet: Kentucky Racing Commission: Thoroughbred Racing Rules

Mike Fulkerson appeared before the Subcommittee to represent the Kentucky Racing Commission. After several months of working with Subcommittee staff, the agency, in response to staff comments, proposed numerous changes to the following regulations to comply with: the drafting requirements of KRS Chapter 13A; the requirements of KRS Chapter 230; and the requirements of House Bill 749 of the 1992 General Assembly, which was an amendment of KRS Chapter 230.

810 KAR 1:024. Racing commission.

810 KAR 1:025. Licensing for thoroughbred racing.

810 KAR 1:026. Racing associations.

810 KAR 1:027. Entries, subscriptions and declarations for thoroughbred racing.

810 KAR 1:028. Disciplinary measures.

810 KAR 1:029. Hearings, reviews and appeals.

Kentucky Higher Education Assistance Authority:KHEAA Grant Program

11 KAR 5:001. Definitions pertaining to Chapter 5 of Title 11 of the Kentucky Administrative Regulations. The STATUTORY AUTHORITY section of this regulation was amended to correctly cite the 1992 Acts, Chapter 462. Section 19 was amended to delete unnecessary language relating to the definition of "resident".

11 KAR 5:034. CAP grant eligibility. The STATUTORY AUTHORITY section of this regulation was amended to correctly cite the 1992 Acts, Chapter 462.

11 KAR 5:036. State Student Incentive Grant Program eligibility. The STATUTORY AUTHORITY section of this regulation was amended to correctly cite the 1992 Acts, Chapter 462.

11 KAR 5:110. Dual enrollment under consortium agreement. The STATUTORY AUTHORITY section of this regulation was amended to correctly cite the 1992 Acts, Chapter 462.

11 KAR 5:130. Student application. This regulation was amended to add a date to the form incorporated by reference, and to state the business hours the agency is open, in compliance with KRS Chapter 13A.

11 KAR 5:145. CAP grant award determination procedure. The STATUTORY AUTHORITY section of this regulation was amended to correctly cite the 1992 Acts, Chapter 462.

Tourism Cabinet: Department of Fish and Wildlife Resources: Hunting and Fishing

301 KAR 3:022. License, tag, permit, and stamp fees. This regulation was amended to delete the fee for the state waterfowl stamp because this fee is contained in statute and does not need to be duplicated in the regulation.

Personnel: Classified

101 KAR 2:046. Applications, qualifications and examinations. This regulation was amended to comply with the American Disabilities Act.

Corrections Cabinet: Office of the Secretary

The agency amended these administrative regulations to: (1) Correct format requirements for definitions; (2) Clarify the applicability of provisions in the policy manual; (3) Clarify statutory references in the policy manual; and (4) Use "shall" when making an obligation mandatory in the policy manual.

501 KAR 6:020. Corrections policies and procedures.

501 KAR 6:040. Kentucky State Penitentiary.

501 KAR 6:060. Northpoint Training Center.

Education and Humanities Cabinet: Department of Education

The following six regulations were amended to: (1) Correct format requirements relating to "Definitions" sections; (2) Move substantive provisions into separate sections rather than make them definitions; (3) Add a statutory citation in the "RELATES TO" and "STATUTORY AUTHORITY" section of 702 KAR 3:045; and (4) Fully explain why tiering was not used.

Office of District Support Services: School District Finance

702 KAR 3:045. Withholding funds.

School Terms, Attendance and Operation

702 KAR 7:050. Attendance; resident, nonresident.

Office of Instruction

704 KAR 3:035. Annual professional development plan.

704 KAR 3:303. Required program of studies.

704 KAR 3:325. Effective instructional leadership act.

704 KAR 3:440. Primary school program guidelines.

Department of Housing, Buildings and Construction: Plumbing
815 KAR 20:090. Soil, waste and vent systems. Section 8 of this regulation was amended by deleting the words "unless exempted in Section 7 of this regulation" to conform with recommendations from Subcommittee staff.

The Subcommittee determined that the following regulations complied with KRS Chapter 13A:

Kentucky Higher Education Assistance Authority: KHEAA Grant Program

- 11 KAR 5:033. KTG student eligibility requirements.
- 11 KAR 5:120. Application by recipients of AFDC.
- 11 KAR 5:140. KTG award determination procedure.
- 11 KAR 5:150. Notification of award.
- 11 KAR 5:160. Disbursement procedures.
- 11 KAR 5:170. Refund and repayment policy.
- 11 KAR 5:180. Records and reports.

Congressional Teacher Scholarship Program

- 11 KAR 10:010. Paul Douglas teacher scholarship program.
- 11 KAR 10:020. Deferment and reduction of repayment.

Council on Higher Education: Public Educational Institutions

13 KAR 2:020. Guidelines for undergraduate admission to the state-supported institutions of higher education in Kentucky.

Finance and Administration Cabinet: Kentucky Employees' Retirement System: General Rules

- 105 KAR 1:010. Contributions and interest rates.

Tourism Cabinet: Department of Fish and Wildlife Resources: Game

- 301 KAR 2:111. Deer and turkey hunting on special areas.

Personnel: Classified

- 101 KAR 2:036. Compensation plan and pay incentive systems.

A representative from the Kentucky Association of State Employees (K.A.S.E.) requested that the word "classified" be inserted in paragraphs (1) and (2) of Section 2 to prevent the abuse of situations when an unclassified employee re-enters state service.

Cabinet officials responded that this administrative regulation already applies to "classified" personnel and inserting this term does not add anything substantive to the protections implicit in this administrative regulation. The actions of the appointing authority with the approval of the Commissioner. Adding the term would operate to unfairly penalize employees.

Chairman Kerr questioned whether it would penalize unclassified employees.

Cabinet officials responded that it would penalize unclassified employees and recognized that K.A.S.E. is suggesting this change. However, the Cabinet clarified that it is also unfair to assume that all unclassified employees who are returning to the classified service are political hacks.

Commissioner Clark agreed with K.A.S.E. that there needs to be a change to prevent this loophole, however, placing the word "classified" in this section does not remove the problem. Commissioner Clark offered several examples which need to be addressed and advised the Subcommittee that the Cabinet has made this and other issues a top priority. The Cabinet expects to complete review of numerous administrative regulations and offer recommended changes in the next three months.

The Subcommittee approved the administrative regulation with the understanding that the Cabinet will offer amendments in the next three months. Chairman Kerr recommended that the Cabinet communicate prospective changes to representatives of K.A.S.E. throughout the review process.

- 101 KAR 2:056. Registers.

101 KAR 2:066. Certification and selection of eligibles for appointment. Representatives from K.A.S.E. objected to the Section 4(1) relating to "selective certification", stating that this procedure has led to hiring abuses in the past. The K.A.S.E. representative explained that some job qualifications have been so narrowly drawn that only a "politically" favored applicant would qualify. He recommended that this procedure be eliminated as it allows hiring of individuals without competition.

The Cabinet responded that the administrative regulation has been in effect since 1976 and is subject to abuse just as any administrative regulation. The Cabinet contends that this section should not be eliminated, but rather, abuses should continue to be prosecuted. The Cabinet further explained that the selection certification procedure serves a legitimate purpose. In limited circumstances, an agency may have a need for extremely specialized services.

Chairman Kerr inquired whether there are different examinations for each job classifications.

The Cabinet explained that there are tests for different classifications and some classifications for which the Cabinet cannot devise a test and instead relies on training and experience to rank candidates. Attorney positions listed on the QUAL register are an example of these types of classifications.

Chairman Kerr questioned whether an attorney pool listed on such register is taken in order of time or considered as a pool of candidates.

The Cabinet responded that the entire pool of candidates are considered for the particular "specialized expertise" needed in limited circumstances. The Cabinet further clarified that the issue K.A.S.E. raised concerning abuses does not apply to these classifications because attorneys and some other professional positions are not required to take the examinations.

Commissioner Clark responded with an example of legitimate reason for the selective certification process wherein the Department of the Blind needed a branch manager who could read sign. Clark concluded that the abuses raised by K.A.S.E. and the findings made by the May-June Franklin County Grand Jury are priority issues that the Cabinet is addressing in the next few months.

Representative Bruce inquired how often the selective certification process is used.

Commissioner Clark explained that under ordinary circumstances only two to three positions are requested a year.

Chairman Kerr reiterated that the Grand Jury Report indicated the Cabinet must further determine the need for this procedure and establish limits for its use to prevent abuses. Chairman Kerr advised that the Subcommittee may recall this administrative regulation at a future date.

Representative Allen stated he understood that this procedure applied to all job classifications; that classifications require a specific test; and the top five candidate scores are to be considered. Rep. Allen expressed his concern with the selective certification process as political abuses can occur with a minority party candidate who happens to rank in the top five eligible candidates.

The Cabinet responded that register certificates and applications do not permit political affiliation information. The Cabinet advised that agencies have been notified of U.S. Supreme Court ruling in Rutan v. Republican Party of Illinois which makes it a constitutional violation to take a candidate's political affiliation into consideration in hiring, firing and promotion. If minority party candidates are being denied state positions because of their political affiliation they have a right to appeal to the State Personnel Board.

Commissioner Clark added that political affiliation should not enter into the hiring determination and agencies who request a register must select from the top five candidates on the register.

Representative Allen concluded that some agency hirings, nevertheless, are based on political affiliations.

A representative from K.A.S.E. agreed that there is a "rare

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legitimate need" for the selective certification, however, limitations need to be placed on the procedure through statute or administrative regulations.

Executive Director of the Personnel Board concurred with the Cabinet on this issue and explained that the Board will be working very closely with the Cabinet to further define and limit this process to prevent future abuse.

Chairman Kerr reiterated that the Subcommittee will expect to review any amendments in the next few months.

The administrative regulation was approved without objection.

101 KAR 2:076. Vacancies, detail to special duty and temporary overlap. A representative from K.A.S.E. objected to the provision in Section 2 relating to an agency's ability (with Cabinet approval) to "temporarily detail (assign) employees to special, vacated positions" stating that there has been political abuse of this process by agencies in the past. K.A.S.E. argues that in the absence of enabling legislation the Cabinet is without authority to promulgate this section. K.A.S.E. specifically objected to the language which allows the Commissioner of Personnel to waive the minimum requirements for a position when an agency request that a person be detailed to special duty. K.A.S.E. requested that language relating to the Cabinet's ability to waive the minimum requirements be eliminated to prevent political abuses.

The Cabinet responded that the provisions concerning "detail to special duty" have been in place for a number of years and there is no credible evidence to indicate there have been abuses with this process. The Cabinet further explained that although there is not explicit enabling language in the statute, the term is used in the 1992 Budget Memorandum and is recognized by the General Assembly as serving a legitimate purpose. The Cabinet concluded, that there are sufficient safeguards to prevent abuse and, without this provision there would be no mechanism to fill temporarily vacated positions or to compensate persons who are assigned additional duties and responsibilities.

The Personnel Board representative concurs with the Cabinet's explanation.

Corrections Cabinet: Office of the Secretary

501 KAR 6:050. Luther Luckett Correctional Complex.

Education and Humanities Cabinet: Department of Education: Education Professional Standards

704 KAR 20:630. Repeal of 704 KAR 20:190.

Workforce Development Cabinet: Department for Adult and Technical Education: Personnel System for Certified and Equivalent Employees

780 KAR 3:020. Compensation plan.

Labor Cabinet: Occupational Safety and Health

803 KAR 2:307. Adoption of 29 CFR Part 1910.101-.120.

Kentucky Labor Management Matching Grant Program

803 KAR 6:010. Kentucky labor-management matching grant program.

Public Protection and Regulation Cabinet: Department of Alcoholic Beverage Control

Licensing

804 KAR 4:300. Repeal of 804 KAR 4:060.

Department of Housing, Buildings and Construction: Plumbing

815 KAR 20:078. Storage and installation of SDR 11, CPVC plastic pipe and fittings.

The following regulations were deferred upon agreement by the promulgating agency and the Subcommittee:

General Government Cabinet: Board of Examiners and Registration of Landscape Architects

201 KAR 10:050. Fees.

201 KAR 10:060. Renewals.

Board of Ophthalmic Dispensers

201 KAR 13:050. Apprentices.

Board of Registration for Professional Engineers and Land Surveyors

201 KAR 18:040. Fees.

201 KAR 18:075. Examination credit for qualified experience.

Commerce Cabinet: Department of Agriculture: Amusement Rides

302 KAR 16:080. Designated bungee ("bungy") or similar apparatus. Kevin Ryan, an attorney representing The Brewery Company and Go-Bungeeing, spoke against this regulation. He objected to the agency's request for deferral, stating that the agency had put this regulation into effect as an emergency. He added that as of this date, the regulation cannot be enforced due to a restraining order. Mr. Ryan said that his clients need to know what requirements they must meet, and therefore, objected to agency deferral of this regulation. Chairman Kerr pointed out that no one from the agency was in attendance at this meeting; and KRS Chapter 13A requires that a regulation be automatically deferred if no one is present to represent the promulgating agency. Representative Allen asked if the Department of Agriculture had authority to promulgate this regulation due to bungee jumping taking place at fairs. Mr. Ryan stated that he did not feel the Department had the authority to promulgate this regulation. He then stated that he would wait until the August meeting to get into the merits of the regulation. The regulation was deferred to the August meeting.

Education and Humanities Cabinet: Department of Education: Office of District Support Services: General Administration

702 KAR 1:035. Group health and life insurance. This regulation was amended to comply with KRS 13A.210, 13A.220(4) and 13A.222(4)(a) and (e) which require that: (1) "Definitions" be in the first section of an administrative regulation; (2) Regulations be in the proper format; and (3) tiering be sufficiently explained.

Chairman Kerr asked if an employee injured on the job was required to pay his own health insurance if on unpaid leave. The agency stated that pursuant to this administrative regulation the state would pay the employee's health insurance until the "first day of the month following an employee's last paid working day". The agency stated that the amendment to this administrative regulation was consistent with state government practice. Health insurance premiums would continue to be paid by the school system, however, if the employee came in at least one day a month. The Chairman pointed out that this was not contained in the administrative regulation. Chairman Kerr further pointed out that "unpaid leave" should be placed in the "Definitions" section of the administrative regulation. The agency agreed to defer the administrative regulation to work out an amendment with staff.

Public Protection and Regulation Cabinet: Department of Alcoholic Beverage Control: Conduct of Business; Employees

804 KAR 5:070. Minors.

Quotas

804 KAR 9:040. Retail package liquor license quota.

The Subcommittee had no objections to emergency regulations which had been filed.

The Subcommittee adjourned at 11:10 a.m. until August 6, 1992 at 2 p.m. in Room 125 of the Capitol Annex.

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OTHER COMMITTEE REPORTS

COMPILER'S NOTE: In accordance with KRS 13A.290(9), the following reports were forwarded to the Legislative Research Commission by the appropriate jurisdictional committees and are hereby printed in the Administrative Register. The administrative regulations listed in each report became effective upon adjournment of the committee meeting at which they were considered.

INTERIM JOINT COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES Meeting of June 24, 1992

The Interim Joint Committee on Agriculture and Natural Resources met June 24, 1992, and submits this report:

The committee determined that the following 35 Division for Air Quality administrative regulations, deferred at the last meeting, comply with KRS Chapter 13A:

401 KAR 50:010 401 KAR 59:230 401 KAR 61:124
401 KAR 50:012 401 KAR 59:240 401 KAR 61:125
401 KAR 50:047 401 KAR 59:315 401 KAR 61:130
401 KAR 51:001 401 KAR 61:001 401 KAR 61:132
401 KAR 51:017 401 KAR 61:050 401 KAR 61:137
401 KAR 59:001 401 KAR 61:090 401 KAR 61:150
401 KAR 59:185 401 KAR 61:095 401 KAR 61:155
401 KAR 59:190 401 KAR 61:100 401 KAR 61:160
401 KAR 59:210 401 KAR 61:105 401 KAR 61:175
401 KAR 59:212 401 KAR 61:110 401 KAR 63:001
401 KAR 59:214 401 KAR 61:120 401 KAR 63:025
401 KAR 59:225 401 KAR 61:122

The committee determined that Department of Fish and Wildlife Resources administrative regulations 301 KAR 2:170 and 301 KAR 2:210 comply with KRS Chapter 13A.

The committee determined that 19 Division of Waste Management administrative regulations comply with KRS Chapter 13A:

401 KAR 30:010 401 KAR 45:090
401 KAR 30:031 401 KAR 45:100
401 KAR 45:010 401 KAR 45:110
401 KAR 45:020 401 KAR 45:130
401 KAR 45:030 401 KAR 45:135
401 KAR 45:040 401 KAR 45:140
401 KAR 45:050 401 KAR 45:160
401 KAR 45:060 401 KAR 45:210
401 KAR 45:070 401 KAR 45:250
401 KAR 45:080

The committee determined that 4 Department for Surface Mining Reclamation and Enforcement administrative regulations comply with KRS Chapter 13A:

405 KAR 8:030 405 KAR 16:180
405 KAR 8:040 405 KAR 18:180

The meeting adjourned June 24, 1992 at 2 p.m.

INTERIM JOINT COMMITTEE ON HEALTH AND WELFARE Meeting of June 18, 1992

The Interim Joint Committee on Health and Welfare met on Thursday, June 18, 1992, and submits this report:

The Committee took no action on the following administrative regulations: 902 KAR 10:085, 904 KAR 2:016, 904 KAR 2:040, 905 KAR 2:080, and 907 KAR 1:525.

ADMINISTRATIVE REGISTER - B1

CUMULATIVE SUPPLEMENT

Locator Index - Effective Dates B2

The Locator Index lists all regulations published in VOLUME 19 of the Administrative Register from July, 1992 through June, 1993. It also lists the page number on which each regulation is published, the effective date of the regulation after it has completed the review process, and other action which may affect the regulation. NOTE: The regulations listed under VOLUME 18 are those regulations that were originally published in last year's issues of the Administrative Register but had not yet gone into effect when the last issue of Volume 18 was published.

KRS Index B9

The KRS Index is a cross-reference of statutes to which regulations relate. These statute numbers are derived from the RELATES TO line of each regulation submitted for publication in VOLUME 19 of the Administrative Register.

Subject Index B14

The Subject Index is a general index of regulations published in VOLUME 19 of the Administrative Register, and is mainly broken down by agency.

ADMINISTRATIVE REGISTER - B2

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	18 Ky.R Page No.	Effective Date	Regulation Number	18 Ky.R Page No.	Effective Date
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VOLUME 18

EMERGENCY REGULATIONS: (Note: Emergency regulations expire 120 days from publication or upon replacement or repeal.

11 KAR 5:001E	3301	5-8-92
11 KAR 5:033E	3302	5-8-92
11 KAR 5:034E	3303	5-8-92
11 KAR 5:140E	3303	5-8-92
11 KAR 5:145E	3305	5-8-92
101 KAR 2:036E	3305	5-15-92
101 KAR 2:046E	3307	5-15-92
101 KAR 2:056E	3309	5-15-92
101 KAR 2:066E	3309	5-15-92
101 KAR 2:076E	3310	5-15-92
200 KAR 18:020E	2915	3-6-92
Replaced	3325	6-7-92
201 KAR 18:040E	3310	4-27-92
201 KAR 18:131E	2768	1-21-92
Replaced	3327	6-7-92
302 KAR 16:080E	3130	4/7/92
405 KAR 8:030E	3135	3-18-92
Replaced		6-24-92
405 KAR 8:040E	3145	3-18-92
Replaced		6-24-92
405 KAR 16:180E	3158	3-18-92
Replaced		6-24-92
405 KAR 18:180E	3160	3-18-92
Replaced		6-24-92
501 KAR 6:150E	3162	3-30-92
Replaced	3024	6-7-92
601 KAR 11:040E	3311	4-22-92
Replaced		7-4-92
601 KAR 40:020E	2770	2-4-92
Replaced	2702	4-3-92
804 KAR 9:040E	3313	4-24-92
810 KAR 1:024E	3313	4-16-92
810 KAR 1:025E	3315	4-16-92
810 KAR 1:026E	3317	4-16-92
810 KAR 1:027E	3319	4-16-92
810 KAR 1:028E	3321	4-16-92
810 KAR 1:029E	3322	4-16-92
904 KAR 2:016E	3164	3-31-92
Replaced		6-24-92
905 KAR 2:080E	3172	4-9-92
Replaced		6-24-92

ORDINARY REGULATIONS:

11 KAR 3:100	3541	(See VOLUME 19)
11 KAR 5:001	3543	(See VOLUME 19)
11 KAR 5:033	3544	
11 KAR 5:034	3545	
11 KAR 5:036	3546	
11 KAR 5:110		
Amended	3475	
11 KAR 5:120		
Amended	3476	
11 KAR 5:130		
Amended	3477	(See VOLUME 19)
11 KAR 5:140		
Amended	3478	
11 KAR 5:145	3547	
11 KAR 5:150		
Amended	3480	
11 KAR 5:160		
Amended	3481	
11 KAR 5:170		
Amended	3483	

11 KAR 5:180		
Amended	3485	
11 KAR 10:010		
Amended	3486	
11 KAR 10:020		
Amended	3489	
13 KAR 2:020		
Amended	3491	
101 KAR 2:036	3549	
101 KAR 2:046	3551	(See VOLUME 19)
101 KAR 2:056	3553	
101 KAR 2:066	3554	
101 KAR 2:076	3555	
102 KAR 1:162		
Expired		7-14-92
105 KAR 1:010		
Amended	3494	
106 KAR 1:040		
Expired***		7-14-92
107 KAR 1:050		
Expried***		7-14-92
108 KAR 1:040	3065	6-7-92
200 KAR 14:010		
Expired***		7-14-92
200 KAR 14:030		
Expired***		7-14-92
200 KAR 14:080		
Expired***		7-14-92
200 KAR 14:090		
Expired***		7-14-92
200 KAR 18:020	3065	
As Amended	3325	6-7-92
201 KAR 1:001	3067	6-7-92
201 KAR 1:005		
Repealed	3067	6-7-92
201 KAR 1:010		
Repealed	3067	6-7-92
201 KAR 1:015		
Amended	2972	6-7-92
201 KAR 1:020		
Amended	2972	6-7-92
201 KAR 1:025		
Repealed	3067	6-7-92
201 KAR 1:030		
Repealed	3067	6-7-92
201 KAR 1:035		
Repealed	3067	6-7-92
201 KAR 1:040		
Amended	2973	6-7-92
201 KAR 1:045		
Amended	2974	6-7-92
201 KAR 1:050		
Amended	2975	6-7-92
201 KAR 1:055		
Repealed	3067	6-7-92
201 KAR 1:065		
Amended	2976	
As Amended	3326	6-7-92
201 KAR 1:070		
Repealed	3067	6-7-92
201 KAR 1:075		
Repealed	3067	6-7-92
201 KAR 1:080		
Amended	2977	6-7-92
201 KAR 1:130	3067	
As Amended	3326	6-7-92
201 KAR 1:140	3069	6-7-92
201 KAR 1:150	3070	6-7-92

ADMINISTRATIVE REGISTER - B3

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	18 Ky.R Page No.	Effective Date	Regulation Number	18 Ky.R Page No.	Effective Date
201 KAR 10:050			401 KAR 50:012		
Amended	3497		Amended	2604	
201 KAR 10:060			Amended	2929	
Amended	3209		As Amended	3333	6-24-92
201 KAR 13:050			401 KAR 50:047	2734	
Amended	3209		As Amended	3333	6-24-92
Withdrawn		7-20-92	401 KAR 51:001	2737	
201 KAR 18:040			Amended	2930	
Amended	3210		As Amended	3335	6-24-92
201 KAR 18:075	3271		401 KAR 51:017		
201 KAR 18:131	2450	6-7-92	Amended	2605	6-24-92
As Amended	3327		401 KAR 59:001	2741	
201 KAR 20:200			Amended	2933	
Amended	3211		As Amended	3337	6-24-92
As Amended		(See VOLUME 19)	401 KAR 59:185		
201 KAR 20:215			Amended	2616	
Amended	3212		Amended	2936	
As Amended		(See VOLUME 19)	As Amended	3340	6-24-92
201 KAR 20:220			401 KAR 59:190		
Amended	3213		Amended	2619	
As Amended		(See VOLUME 19)	Amended	2938	
301 KAR 2:111			As Amended	3342	6-24-92
Amended	3498		401 KAR 59:210		
301 KAR 2:170			Amended	2622	
Amended	3216	6-24-92	Amended	2939	
301 KAR 2:210			As Amended	3344	6-24-92
Amended	3220	6-24-92	401 KAR 59:212		
301 KAR 3:022	3556	(See VOLUME 19)	Amended	2625	
302 KAR 16:080	3271		Amended	2941	
401 KAR 5:010			As Amended	3346	6-24-92
Amended	3501	(See VOLUME 19)	401 KAR 59:214		
401 KAR 8:030			Amended	2629	
Amended	3506	(See VOLUME 19)	Amended	2943	
401 KAR 30:010			As Amended	3347	6-24-92
Amended	2978		401 KAR 59:225		
Amended	3420	6-24-92	Amended	2632	
401 KAR 30:031	3074		Amended	2945	
Amended	3430	6-24-92	As Amended	3349	6-4-92
401 KAR 45:010	3076		401 KAR 59:230		
Amended	3432		Amended	2635	
As Amended		(See VOLUME 19)	Amended	2947	
401 KAR 45:020	3078	6-24-92	As Amended	3351	6-24-92
401 KAR 45:030	3080		401 KAR 59:240		
Amended	3433	6-24-92	Amended	2638	
401 KAR 45:040	3084		Amended	2949	
Amended	3436	6-24-92	As Amended	3353	6-24-92
401 KAR 45:050	3086	6-24-92	401 KAR 59:315	2744	
401 KAR 45:060	3089		As Amended	3354	6-24-92
Amended	3437	6-24-92	401 KAR 61:001	2746	
401 KAR 45:070	3090		Amended	2950	
Amended	3438		As Amended	3354	6-24-92
As Amended		(See VOLUME 19)	401 KAR 61:050		
401 KAR 45:080	3092		Amended	2640	
Amended	3439	6-24-92	As Amended	3357	6-24-92
401 KAR 45:090	3094		401 KAR 61:090		
Amended	3440	6-24-92	Amended	2643	
401 KAR 45:100	3097		Amended	2953	
Amended	3442	6-24-92	As Amended	3359	6-24-92
401 KAR 45:110	3103	6-24-92	401 KAR 61:095		
401 KAR 45:130	3106	6-24-92	Amended	2646	
401 KAR 45:135	3107		As Amended	3361	6-24-92
Amended	3446	6-24-92	401 KAR 61:100		
401 KAR 45:140	3109	6-24-92	Amended	2650	
401 KAR 45:160	3111		As Amended	3363	6-24-92
Amended	3447	6-24-92	401 KAR 61:105		
401 KAR 45:210	3115	6-24-92	Amended	2652	
401 KAR 45:250	3117	6-24-92	As Amended	3364	6-24-92
401 KAR 50:010			401 KAR 61:110		
Amended	2599		Amended	2655	
Amended	2926		As Amended	3366	6-24-92
As Amended	3329	6-24-92			

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LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	18 Ky.R Page No.	Effective Date	Regulation Number	18 Ky.R Page No.	Effective Date
401 KAR 61:120			601 KAR 11:040		
Amended	2658		Amended	3228	
As Amended	3367	6-24-92	As Amended		(See VOLUME 19)
401 KAR 61:122			603 KAR 3:010		
Amended	2661		Expired***		7-14-92
Amended	2955		603 KAR 3:020		
As Amended	3369	6-24-92	Expired***		7-14-92
401 KAR 61:124			603 KAR 4:025		
Amended	2664		Expired***		7-14-92
As Amended	3371	6-24-92	603 KAR 5:096		
401 KAR 61:125			Expired***		7-14-92
Amended	2667		605 KAR 1:150		
As Amended	3372	6-24-92	Expired***		7-14-92
401 KAR 61:130			702 KAR 1:035		
Amended	2670		Amended	3518	(See VOLUME 19)
As Amended	3374	6-24-92	702 KAR 3:045		
401 KAR 61:132			Amended	3519	
Amended	2672		702 KAR 3:250		
Amended	2956		Amended	3520	
As Amended	3376	6-24-92	Died*		7-10-92
401 KAR 61:137			702 KAR 5:010		
Amended	2676		Amended	3026	
As Amended	3377	6-24-92	As Amended	3387	6-7-92
401 KAR 61:150			702 KAR 5:030		
Amended	2678		Amended	3027	
As Amended	3379	6-24-92	As Amended	3388	6-7-92
401 KAR 61:155			702 KAR 7:050		
Amended	2680		Amended	3521	(See VOLUME 19)
As Amended	3380	6-24-92	704 KAR 3:035		
401 KAR 61:160			Amended	3523	(See VOLUME 19)
Amended	2682		704 KAR 3:303	3558	
As Amended	3381	6-24-92	704 KAR 3:325		
401 KAR 61:175			Amended	3525	(See VOLUME 19)
Amended	2684		704 KAR 3:440	3559	(See VOLUME 19)
As Amended	3382	6-24-92	704 KAR 20:630	3560	
401 KAR 63:001			725 KAR 2:060	3277	
Amended	2958		As Amended		(See VOLUME 19)
As Amended	3384	6-24-92	725 KAR 2:070	3278	(See VOLUME 19)
401 KAR 63:025			As Amended		(See VOLUME 19)
Amended	2686		730 KAR 1:005		
As Amended	3386	6-24-92	Expired***		7-14-92
405 KAR 8:030			780 KAR 2:070		
Amended	2992		Amended	3028	6-7-92
Amended	3450		780 KAR 2:100		
As Amended		(See VOLUME 19)	Amended	3230	
405 KAR 8:040			As Amended		(See VOLUME 19)
Amended	3004		780 KAR 2:110		
Amended	3460		Amended	3232	
As Amended		(See VOLUME 19)	As Amended		(See VOLUME 19)
405 KAR 16:180			780 KAR 2:120		
Amended	3017		Amended	3233	
Amended	3472	6-24-92	As Amended		(See VOLUME 19)
405 KAR 18:180			780 KAR 2:150	3118	6-7-92
Amended	3020		780 KAR 3:020		
Amended	3473	6-24-92	Amended	3527	
501 KAR 6:020			780 KAR 3:070		
Amended	3513		Amended	3234	7-4-92
501 KAR 6:030			803 KAR 1:063		
Amended	3022	6-7-92	Amended	3029	
Amended	3222	7-4-92	As Amended	3388	6-7-92
501 KAR 6:040			803 KAR 2:307		
Amended	3514		Amended	3528	
501 KAR 6:050			803 KAR 2:320		
Amended	3224	7-4-92	Amended	3529	
Amended	3515		803 KAR 6:010		
501 KAR 6:060			Amended	3532	
Amended	3225	7-4-92	804 KAR 4:300	3560	
Amended	3517		804 KAR 5:070	3561	(See VOLUME 19)
501 KAR 6:070			804 KAR 9:040		
Amended	3226	7-4-92	Amended	3536	
501 KAR 6:150					
Amended	3024	6-7-92			

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LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	18 Ky.R Page No.	Effective Date	Regulation Number	18 Ky.R Page No.	Effective Date
807 KAR 5:066			904 KAR 2:006		
Amended	1968		Amended	3056	
As Amended	3388	6-7-92	As Amended	3414	5-18-92
808 KAR 10:010			904 KAR 2:016		
Amended	3238	7-4-92	Amended	3255	
810 KAR 1:024	3280	(See VOLUME 19)	As Amended		(See VOLUME 19)
810 KAR 1:025	3282	(See VOLUME 19)	904 KAR 2:040		
810 KAR 1:026	3285	(See VOLUME 19)	Amended	3262	7-4-92
810 KAR 1:027	3288	(See VOLUME 19)	905 KAR 2:080		
810 KAR 1:028	3290	(See VOLUME 19)	Amended	3264	
810 KAR 1:029	3291	(See VOLUME 19)	As Amended		(See VOLUME 19)
815 KAR 7:025			905 KAR 6:060		
Amended	3030		Amended	3062	
As Amended	3395	5-28-92	As Amended	3418	5-18-92
815 KAR 20:030			905 KAR 6:070		
Amended	3037	5-28-92	Amended	3063	
815 KAR 20:050			As Amended	3418	5-18-92
Amended	3039	5-28-92	906 KAR 1:110	3562	(See VOLUME 19)
815 KAR 20:078	3561		907 KAR 1:040		
815 KAR 20:090			Amended	2729	
Amended	3537	(See VOLUME 19)	907 KAR 1:525		
902 KAR 10:085			Amended	3269	
Amended	3239		As Amended		(See VOLUME 19)
As Amended		(See VOLUME 19)			
902 KAR 13:040			*Statement of Consideration not Filed within 15 Days Following Hearing, Regulation Dies (KRS 13A.280(2))		
Repealed	3401	5-18-92			
902 KAR 13:050					
Amended	3040				
As Amended	3401	5-18-92			
902 KAR 45:005					
Amended	3045				
As Amended	3404	5-18-92			

***Regulation found deficient by a legislative subcommittee during quadrenail review during the 1990-91 interim; regulation expires on effective date of acts passed during the 1992 General Assembly (KRS 13A.347(4))

VOLUME 19

EMERGENCY REGULATIONS: (Note: Emergency regulations expire 120 days from publication or upon replacement or repeal.

200 KAR 14:011E	362	7-14-92
200 KAR 14:081E	363	7-14-92
200 KAR 14:091E	364	7-14-92
201 KAR 10:050E	4	5-18-92
401 KAR 49:009E	4	6-8-92
501 KAR 6:020E	5	5-22-92
501 KAR 6:060E	365	6-24-92
601 KAR 40:020E	366	7-13-92
603 KAR 3:060E	368	7-8-92
603 KAR 5:110E	369	7-15-92
603 KAR 5:300E	372	7-13-92
704 KAR 3:303E	7	6-12-92
704 KAR 3:440E	7	5-22-92
780 KAR 3:020E	9	6-11-92
901 KAR 5:050E	372	7-2-92
902 KAR 10:021E	372	7-2-92
902 KAR 10:060E	372	6-30-92
902 KAR 10:121E	373	6-30-92
902 KAR 10:130E	373	6-30-92
902 KAR 20:004E	374	7-10-92
902 KAR 45:110E	378	6-30-92
902 KAR 45:120E	379	6-30-92
902 KAR 100:012E	10	6-4-92
902 KAR 105:020E	10	6-4-92
903 KAR 5:270E	379	6-30-92
903 KAR 5:290E	12	6-4-92
904 KAR 2:006E	380	7-10-92
906 KAR 1:110E	12	5-22-92

907 KAR 1:013E	14	6-4-92
Withdrawn		7-10-92
Resubmitted	385	7-10-92

ORDINARY REGULATIONS:

11 KAR 3:100		
Amended	414	
11 KAR 4:020		
Amended	428	
11 KAR 4:060	531	
11 KAR 5:001		
As Amended	388	
11 KAR 5:130		
As Amended	389	
11 KAR 12:010		
Amended	433	
11 KAR 12:020		
Amended	435	
11 KAR 12:030		
Amended	436	
11 KAR 12:040		
Amended	437	
11 KAR 12:050		
Amended	438	
11 KAR 12:060		
Amended	439	
11 KAR 12:070		
Amended	440	
11 KAR 12:081	532	
11 KAR 12:090		
Amended	442	
40 KAR 2:001	532	
40 KAR 2:030	533	

ADMINISTRATIVE REGISTER - B6

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	18 Ky.R Page No.	Effective Date	Regulation Number	18 Ky.R Page No.	Effective Date
40 KAR 2:040	534		401 KAR 34:050		
40 KAR 2:050	535		Amended	120	
40 KAR 2:060	537		401 KAR 34:060		
101 KAR 1:365			Amended	123	
Amended	80		401 KAR 34:070		
101 KAR 1:375			Amended	132	
Amended	81		401 KAR 34:190		
101 KAR 2:046			Amended	137	
As Amended	389		401 KAR 35:020		
200 KAR 14:011	537		Amended	143	
200 KAR 14:081	538		401 KAR 35:050		
200 KAR 14:091	540		Amended	146	
201 KAR 2:010			401 KAR 35:070		
Amended	443		Amended	149	
201 KAR 2:020			401 KAR 35:190		
Amended	443		Amended	154	
201 KAR 2:050			401 KAR 36:030		
Amended	444		Amended	160	
201 KAR 2:105			401 KAR 37:010		
Amended	445		Amended	162	
201 KAR 17:090			401 KAR 37:030		
Amended	447		Amended	169	
201 KAR 17:091			401 KAR 37:040		
Amended	449		Amended	172	
201 KAR 20:200			401 KAR 37:050		
As Amended	18	7-4-92	Amended	175	
201 KAR 20:205			401 KAR 38:010		
Repealed	20	7-4-92	Amended	176	
201 KAR 20:210			401 KAR 38:020		
Repealed	20	7-4-92	Amended	179	
201 KAR 20:215			401 KAR 38:040		
As Amended	18	7-4-92	Amended	182	
201 KAR 20:220			401 KAR 38:050		
As Amended	20	7-4-92	Amended	187	
201 KAR 22:070			401 KAR 38:060		
Amended	450		Amended	191	
201 KAR 22:135			401 KAR 38:070		
Amended	83		Amended	195	
301 KAR 1:015			401 KAR 45:010		
Amended	451		As Amended	22	6-24-92
301 KAR 1:020			401 KAR 45:070		
Amended	452		As Amended	23	6-24-92
301 KAR 1:060			401 KAR 49:011	330	
Amended	453		401 KAR 49:040		
301 KAR 1:075			Amended	198	
Amended	454		401 KAR 50:037	542	
301 KAR 1:085			405 KAR 1:007	544	
Amended	455		405 KAR 3:007	546	
301 KAR 1:160			405 KAR 7:001		
Amended	456		Amended	460	
301 KAR 1:200			405 KAR 7:030		
Amended	457		Amended	464	
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