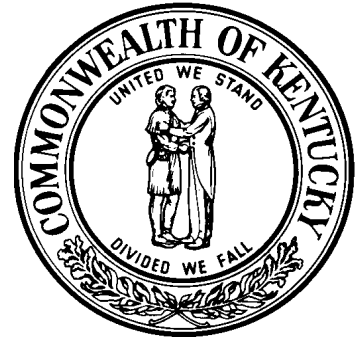


ADMINISTRATIVE REGISTER OF KENTUCKY



LEGISLATIVE RESEARCH COMMISSION
Frankfort, Kentucky

VOLUME 43, NUMBER 3
THURSDAY, SEPTEMBER 1, 2016

The submission deadline for this edition of the *Administrative Register of Kentucky* was noon, August 15, 2016.

ARRS – SEPTEMBER 13, 2016 TENTATIVE AGENDA	385
REGULATION REVIEW PROCEDURE	388

EMERGENCIES

None	389
------------	-----

AS AMENDED

Legislative Ethics Commission	390
Executive Branch Ethics Commission	392
Office of Occupations and Professions	393
Board of Social Work	395
Department of Environmental Protection	396
Department of Corrections	402
Fire Commission	403
Department of Workers' Claims	404

AMENDED AFTER COMMENTS

Board of Education	418
CHFS: Department for Aging and Independent Living	421

PROPOSED AMENDMENTS

Agricultural Experiment Station	428
Board of Nursing	433
Department of Fish and Wildlife Resources	436
Department of Corrections	444
Department of Criminal Justice Training	446
Board of Education	449
Department of Housing, Buildings and Construction	452
CHFS: Department for Income Support	473

NEW ADMINISTRATIVE REGULATIONS

Finance and Administration Cabinet	477
Transportation Cabinet	479
Board of Education	495
Department of Alcoholic Beverage Control	498

ARRS Report	507
OTHER COMMITTEE REPORTS	511

CUMULATIVE SUPPLEMENT

Locator Index - Effective Dates	C - 2
KRS Index	C - 7
Technical Amendments	C - 12
Subject Index	C - 14

MEETING NOTICE: ARRS

The **Administrative Regulation Review Subcommittee** is **tentatively** scheduled to meet September 13, 2016, at 1:00 p.m. in room 149 Capitol Annex. See **tentative agenda** on pages **385-387** of this Administrative Register.

The **ADMINISTRATIVE REGISTER OF KENTUCKY** is the monthly supplement for the 2016 Edition of **KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE**.

HOW TO CITE: Cite all material in the **ADMINISTRATIVE REGISTER OF KENTUCKY** by Volume number and Page number. Example: Volume 43, Kentucky Register, page 318 (short form: 43 Ky.R. 318).

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, Board, or Major Function	Specific Regulation

ADMINISTRATIVE REGISTER OF KENTUCKY

(ISSN 0096-1493)

© 2016 Legislative Research Commission, All Rights Reserved

The Administrative Register of Kentucky is published monthly by the Legislative Research Commission, 700 Capitol Avenue, Room 300, Frankfort, Kentucky 40601. Subscription rate, postpaid in the United States: \$120 (plus 6% Kentucky sales tax) per year for 12 issues, beginning in July and ending with the June issue of the subsequent year. Periodical postage paid at Frankfort, Kentucky.

POSTMASTER: Send address changes to Administrative Register of Kentucky, 700 Capitol Avenue, Room 64, State Capitol, Frankfort, Kentucky 40601.

KENTUCKY LEGISLATIVE RESEARCH COMMISSION

Chairmen

Senator Robert Stivers
Senate President

Representative Gregory D. Stumbo
House Speaker

Senate and House Members

Senator David P. Givens
President Pro Tempore

Representative Jody Richards
Speaker Pro Tempore

Senator Damon Thayer
Majority Floor Leader

Representative Rocky Adkins
Majority Floor Leader

Senator Ray Jones
Minority Floor Leader

Representative Jeffrey Hoover
Minority Floor Leader

Senator Daniel Seum
Majority Caucus Chair

Representative Sannie Overly
Majority Caucus Chair

Senator Gerald Neal
Minority Caucus Chair

Representative Stan Lee
Minority Caucus Chair

Senator Jimmy Higdon
Majority Whip

Representative Johnny Bell
Majority Whip

Senator Julian Carroll
Minority Whip

Representative Jim DeCesare
Minority Whip

David Byerman, Director
Joe Cox, Printing and Publications Officer

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Members

Senator Ernie Harris, Co-Chair
Representative Mary Lou Marzian, Co-Chair
Senator Julie Raque Adams
Senator Perry B. Clark
Senator Alice Kerr
Representative Linda Belcher
Representative Will Coursey
Representative Tommy Turner

Staff

Donna Little
Emily Caudill
Sarah Amburgey
Emily Harkenrider
Karen Howard
Carrie Klaber
Angela Darnell
Betsy Cupp

VOLUME 43, NUMBER 3 – SEPTEMBER 1, 2016

**ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
TENTATIVE AGENDA, SEPTEMBER 13, 2016, at 1:00 p.m., Room 149 Capitol Annex**

**HIGHER EDUCATION ASSISTANCE AUTHORITY
Division of Student and Administrative Services**

Kentucky Educational Excellence Scholarship Program

11 KAR 15:090. Kentucky Educational Excellence Scholarship (KEES) program. (Deferred from August)

OFFICE OF THE SECRETARY OF STATE

Occupational License Fees

30 KAR 7:010. Standard form for occupational license fee return.

**OFFICE OF THE ATTORNEY GENERAL
Office of Consumer Protection**

Office

40 KAR 2:145. Funeral planning declaration form.

**FINANCE AND ADMINISTRATION CABINET
Teachers' Retirement System**

General Rules

102 KAR 1:165. Surviving children's benefits.
102 KAR 1:290. Disability retirement application, review, and examinations.
102 KAR 1:320. Qualified domestic relations orders.

Department of Revenue

Ad Valorem Tax; State Assessment

103 KAR 8:160. Valuation of municipal solid waste landfill facilities.

Office of Income Taxation

Income Tax; General Administration

103 KAR 15:180 & E. Kentucky new markets development program tax credit. ("E" Expires 1/8/2017)

**GENERAL GOVERNMENT CABINET
Board of Barbering**

Board

201 KAR 14:125. Teacher requirements.

Board of Physical Therapy

Board

201 KAR 22:045. Continued competency requirements and procedures.

**PUBLIC PROTECTION CABINET
Boxing and Wrestling Commission**

Commission

201 KAR 27:005. Definitions for 201 KAR Chapter 27.
201 KAR 27:007. Powers and duties of inspector.
201 KAR 27:008. License requirements and fees.
201 KAR 27:011. General requirements for boxing and kickboxing shows.
201 KAR 27:012. General requirements for wrestling shows.
201 KAR 27:036. Repeal of 201 KAR 27:035, 201 KAR 27:045, 201 KAR 27:050, 201 KAR 27:055, 201 KAR 27:060, 201 KAR 27:065,
201 KAR 27:070, 201 KAR 7:090, and 201 KAR 27:100.
201 KAR 27:040. Managers.
201 KAR 27:105. Disciplinary action.

**GENERAL GOVERNMENT CABINET
Real Estate Appraisers Board**

Board

201 KAR 30:030. Types of appraisers required in federally related transactions; certification and licensure.

Board of Licensure for Marriage and Family Therapists

Board

201 KAR 32:030. Fees. (Amended After Comments)(Deferred from August)

Board of Licensed Diabetes Educators

Board

201 KAR 45:110. Supervision and work experience. (Not Amended After Comments) (Deferred from November)

**TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources**

Fish

301 KAR 1:015. Boat and motor restrictions.
301 KAR 1:201. Taking of fish by traditional fishing methods.

Game

301 KAR 2:132. Elk quota hunts, elk depredation permits, landowner cooperator permits, and voucher cooperator permits.

VOLUME 43, NUMBER 3 – SEPTEMBER 1, 2016

**TRANSPORTATION CABINET
Division of Driver Licensing**

Administration

601 KAR 2:030 & E. Ignition interlock. ("E" expires 10/25/2016) (Not Amended After Comments) (Deferred from August)

**EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Board of Education
Department of Education**

School Terms, Attendance and Operation

702 KAR 7:065. Designation of agent to manage middle and high school interscholastic athletics. (Amended After Comments)

Learning Results Services

703 KAR 4:041. Repeal of 703 KAR 4:040. (Deferred from August)

Office of Instruction

704 KAR 3:342. Repeal of 704 KAR 3:340. (Deferred from August)

**COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Fire Commission**

Commission on Fire Protection Personnel Standards and Education

739 KAR 2:040. Survivor benefits for death of a firefighter.

**MOREHEAD STATE UNIVERSITY
Board of Regents**

Board

755 KAR 1:080. Capital construction procedures.

**LABOR CABINET
Department of Workforce Standards
Division of Safety and Health Compliance
Division of Occupational Safety and Health Education and Training**

Occupational Safety and Health

803 KAR 2:180. Recordkeeping, reporting, statistics.

803 KAR 2:412. Fall protection. (Deferred from August)

**PUBLIC PROTECTION CABINET
Department of Alcoholic Beverage Control**

Licensing

804 KAR 4:381. Repeal of 804 KAR 4:380.

804 KAR 4:390. License renewals.

804 KAR 4:400 & E. ABC basic application and renewal form incorporated by reference. ("E" Expires 1/11/2017)

804 KAR 4:410 & E. Special applications and registration forms incorporated by reference. ("E" Expires 1/11/2017)

Malt Beverage Equipment, Supplies, and Service

804 KAR 11:010 & E. Equipment and supplies. ("E" Expires 1/11/2017)

**Department of Financial Institutions
Division of Depository Institutions**

Administration

808 KAR 1:081. Repeal of 808 KAR 1:080 and 808 KAR 1:100.

808 KAR 1:160. Fees for services rendered to banks and trust companies.

Division of Nondepository Institutions

Finance Charges

808 KAR 4:021. Repeal of 808 KAR 4:020.

Division of Depository Institutions

Multibank Companies

808 KAR 11:011. Repeal of 808 KAR 11:010.

Division of Non-Depository Institutions

Mortgage Loan Companies and Mortgage Loan Brokers

808 KAR 12:021. Licensing and registration. (Deferred from August)

808 KAR 12:055. Uniform standards for mortgage loan processor applicant employee background checks. (Deferred from August)

**CABINET FOR HEALTH AND FAMILY SERVICES
Department for Medicaid Services
Division of Community Alternatives**

Certified Provider Requirements

907 KAR 7:010 & E. Home and community based waiver services version 2. ("E" Expires 12/27/2017)

907 KAR 7:015 & E. Reimbursement for home and community based waiver services version 2. ("E" Expires 12/27/2017)

**Department for Aging and Independent Living
Division of Operations and Support**

Aging Services

910 KAR 1:210. Kentucky long-term care ombudsman program. (Amended After Comments)

**Department for Income Support
Child Support Enforcement**

Family Support

921 KAR 1:420. Child support distribution.

VOLUME 43, NUMBER 3 – SEPTEMBER 1, 2016

**Department for Community Based Services
Division of Protection and Permanency**

Child Welfare

922 KAR 1:151. Repeal of 922 KAR 1:150, 922 KAR 1:170, 922 KAR 1:210, and 922 KAR 1:230.

REMOVED FROM SEPTEMBER'S AGENDA

**OFFICE OF THE ATTORNEY GENERAL
Office of Consumer Protection**

Office

40 KAR 2:150. Cremation forms and inspections. (Comments Received)

**COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Board of Emergency Medical Services**

Board

202 KAR 7:501. Ambulance and medical first response agencies. (Comments Received, SOC ext., 9/15/16)

202 KAR 7:520. Allocation of block grant funding assistance for emergency medical services. (Comments Received, SOC ext., 9/15/16)

**CABINET FOR HEALTH AND FAMILY SERVICES
Department for Public Health
Division of Epidemiology and Health Planning**

Communicable Diseases

902 KAR 2:020 & E. Reportable disease surveillance. ("E" Expires 12/12/2016) (Comments Received, SOC ext., due 9/15/16)

Office of Inspector General

Health Services and Facilities

902 KAR 20:058. Operation and services; primary care center. (Comments Received, SOC ext., due 9/15/16)

**Department for Community Based Services
Division of Protection and Permanency**

Child Welfare

922 KAR 1:500. Educational and training vouchers. (Comments Received, SOC ext., due 9/15/16)

ADMINISTRATIVE REGULATION REVIEW PROCEDURE - OVERVIEW
(See KRS Chapter 13A for specific provisions)

Filing and Publication

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

Public Hearing and Public Comment Period

The administrative body shall schedule a public hearing on proposed administrative regulations, which shall not be held before the 21st day or later than the last workday of the month of publication. Written comments shall also be accepted until the end of the calendar month in which the administrative regulation was published.

The administrative regulation shall include: the place, time, and date of the hearing; the manner in which persons may submit notification to attend the hearing and written comments; that notification to attend the hearing shall be sent no later than 5 workdays prior to the hearing date; the deadline for submitting written comments; and the name, position, mailing address, e-mail address, and telephone and fax numbers of the person to whom notification and written comments shall be sent.

The administrative body shall notify the Compiler, by letter, whether the hearing was held or cancelled and whether written comments were received. If the hearing was held or written comments were received, the administrative body shall file a statement of consideration with the Compiler by the fifteenth day of the calendar month following the month of publication.

A transcript of the hearing is not required 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

After the public hearing and public comment period processes are completed, 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 30 days after being referred by LRC, whichever occurs first.

NONE

ADMINISTRATIVE REGULATIONS AS AMENDED BY PROMULGATING AGENCY
AND REVIEWING SUBCOMMITTEE

ARRS = Administrative Regulation Review Subcommittee
IJC = Interim Joint Committee

GENERAL ASSEMBLY
Legislative Ethics Commission
(As Amended at ARRS, August 4, 2016)

2 KAR 2:020. Statement of financial disclosure.

RELATES TO: KRS 6.781, 6.787, 6.793

STATUTORY AUTHORITY: KRS 6.666(5), (6)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 6.666(5) and (6) require the commission to promulgate administrative regulations to implement KRS 6.601 to 6.849 and to prescribe required forms. KRS 6.781 requires a member of the General Assembly, a candidate or nominee for election to the General Assembly, and an individual with major management responsibility in the legislative branch of state government to file statements of financial disclosure. KRS 6.787 requires the statements to be filed on a form prescribed by the commission. This administrative regulation establishes the required form.

Section 1. The "[]Statement of Financial Disclosure[]" required by KRS 6.781 shall be completed and mailed or delivered to the Kentucky Legislative Ethics Commission, 22 Mill Creek Park, Frankfort, Kentucky 40601 in accordance with the schedule set out in KRS 6.793.

Section 2. Incorporation by Reference. (1)~~(The)~~ "Statement of Financial Disclosure", 10/16[(44/98)] is incorporated by reference.

(2) This material[document] may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Legislative Ethics Commission, 22 Mill Creek Park, Frankfort, Kentucky 40601, ~~[8 a.m. to 4:30 p.m.,]~~ Monday through Friday, 8:00 a.m. to 4:30 p.m.

JOHN SCHAAF, Executive Director

APPROVED BY AGENCY: June 15, 2016

FILED WITH LRC: June 15, 2016 at 11 a.m.

CONTACT PERSON: Kara L. Daniel, Counsel, Kentucky Legislative Ethics Commission, 22 Mill Creek Park, Frankfort, Kentucky 40601, phone (502) 573-2863, fax (502) 573-2929.

GENERAL ASSEMBLY
Legislative Ethics Commission
(As Amended at ARRS, August 4, 2016)

2 KAR 2:040. Updated registration short forms for employers and legislative agents.

RELATES TO: KRS 6.611, 6.666(6)-(13), 6.807, 6.821, 6.824, 6.827, 6.829(3)

STATUTORY AUTHORITY: KRS 6.666(5), (6)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 6.666(5) and (6) require the commission to promulgate administrative regulations to implement KRS 6.601 to 6.849 and to prescribe required forms. KRS 6.807(3) requires each[an] employer or legislative agent registered with the Legislative Ethics Commission to file periodic updated registration forms. KRS 6.829(3) requires the commission to prescribe appropriate forms to file the information required by KRS 6.807. This administrative regulation establishes the short forms to be used by an employer or legislative agent if there is no expenditure or expense to be reported.

Section 1. (1) The "[]Legislative Agent's Updated Registration Statement, Short Form[]" may be filed by a legislative agent if, during a reporting period, the legislative agent[he] did not:

(a) Expend sums for lobbying activities~~[during a reporting~~

period]; and

(b) Engage in a financial transaction governed by KRS 6.824.

(2) The "[]Employer's Updated Registration Statement, Short Form[]" may be filed by an employer if, during a reporting period, the employer[he]:

(a) Did not:

1. Expend sums for lobbying activities~~[during a reporting period]; and~~

2. Engage in a financial transaction governed by KRS 6.824; and

(b) Paid only compensation to a legislative agent.

(3) The "[]Legislative Agent's Updated Registration Statement, Short Form[]" shall include:

(a) Name;

(b) Address;

(c) Telephone number;

(d) Name of employer; and

(e) The bills, [or] resolutions, or administrative regulations lobbied on during the reporting period.

(4) The "[]Legislative Employer's Updated Registration Statement, Short Form[]" shall include:

(a) Name;

(b) Address;

(c) Telephone number;

(d) Name and position of person completing the form;

(e) Source of funds and financial resources;

(f) Name(s) of individual legislative agent(s) and compensation accrued for each reporting period;

(g) Bills, [or] resolutions, or administrative regulations lobbied on during the reporting period; and

(h) Names of legislative agents terminated since last reporting period.

Section 2.~~(4)~~ The completed "[]Legislative Agent's Updated Registration Statement, Short Form[]" and [shall be mailed to the Legislative Ethics Commission at 22 Mill Creek Park, Frankfort, Kentucky 40601.

~~(2) The "[]Legislative Employer's Updated Registration Statement, Short Form[]" shall be filed electronically at www.klec.ky.gov unless the employer or legislative agent is unable to use electronic filing. If electronic filing is not possible, the forms shall be mailed or delivered to the Legislative Ethics Commission at 22 Mill Creek Park, Frankfort, Kentucky 40601. All forms shall be filed in accordance with the schedule set out in KRS 6.807(3).~~

Section 3. Incorporation by Reference. (1) The following material is[forms are] incorporated by reference:

(a) "Legislative Agent's Updated Registration Statement, Short Form", 10/16[(03/04)]; and

(b) "Employer's Updated Registration Statement, Short Form", 10/16[(03/04)].

(2) This material[These documents] may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Legislative Ethics Commission, 22 Mill Creek Park, Frankfort, Kentucky 40601, ~~[8 a.m. to 4:30 p.m.,]~~ Monday through Friday, 8:00 a.m. to 4:30 p.m.

JOHN SCHAAF, Executive Director

APPROVED BY AGENCY: June 15, 2016

FILED WITH LRC: June 15, 2016 at 11 a.m.

CONTACT PERSON: Kara L. Daniel, Counsel, Kentucky Legislative Ethics Commission, 22 Mill Creek Park, Frankfort, Kentucky 40601, phone (502) 573-2863, fax (502) 573-2929.

GENERAL ASSEMBLY
Legislative Ethics Commission
(As Amended at ARRS, August 4, 2016)

2 KAR 2:050. Preliminary inquiries.

RELATES TO: KRS 6.611, **6.666**, 6.686

STATUTORY AUTHORITY: KRS 6.666(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 6.666(5) requires the commission to promulgate administrative regulations necessary to implement KRS 6.601 through 6.849. KRS 6.686 requires the commission to conduct a preliminary inquiry into any alleged violation of KRS 6.601 through 6.849. This administrative regulation establishes the requirements governing the preliminary inquiry proceedings of the commission.

Section 1. Definitions. (1) "Commission" is defined by KRS 6.611(9).

(2) "Complainant" means a person who has filed a complaint with the commission.

(3) "Complaint" means a formal, written complaint filed in accordance with KRS 6.686 that accuses one (1) or more persons of violating a provision of KRS 6.601 to 6.849.

(4) "Enforcement counsel" means the attorney employed by the commission to investigate and prosecute a complaint.

(5) "Respondent" means a person accused in a complaint of violating any of the provisions of KRS 6.601 to 6.849.

Section 2. Complaint. (1) A complaint may be filed by any person in accordance with the requirements of KRS 6.686(1).

(2) A person may file a complaint by completing and signing the commission's complaint form or by filing a written, sworn complaint in another form that complies with the requirements of KRS 6.686(1).

(3) The complainant shall not be considered a party to the action, although he or she may be a witness.

(4) The commission shall dismiss a complaint in accordance with KRS 6.686(1)(d) or 6.686(4).

Section 3. Preliminary Inquiry and Hearing. (1) A preliminary inquiry shall be commenced as required by KRS 6.686(1)(d).

(2) The enforcement counsel:

(a) May be assisted by investigators employed by the commission;

(b) Shall investigate the complaint for the purpose of presenting the facts to the commission; and

(c) Shall present information and recommendations to the commission about the allegations in the complaint.

(3) After the enforcement counsel's investigation is complete, the commission shall consider the results of the enforcement counsel's investigation and shall vote to:

(a) Dismiss the complaint in accordance with KRS 6.686(1)(d) or 6.686(4); or

(b) Conduct a preliminary inquiry hearing to determine if probable cause exists to believe there has been a violation of KRS 6.601 to 6.849.

(4) If the commission decides to conduct a preliminary inquiry hearing, the chair shall:

(a) Set a date for the preliminary inquiry hearing; and

(b) Notify the respondent of the time and place of the hearing.

Section 4. Hearing Proceedings. (1) As required by KRS 6.686(2), during the preliminary inquiry hearing, only the commission members, the commission staff, enforcement counsel, the commission's investigator, the respondent, the respondent's counsel, and any witness called to testify may be present.

(2) The Kentucky Rules of Civil Procedure and Kentucky Rules of Evidence shall not apply at the preliminary inquiry hearing. The chair, or other member of the commission appointed by the chair, shall:

(a) Conduct the hearing; and

(b) Allow or exclude evidence within his or her discretion and in accordance with KRS 6.686(3).

(3) The commission may compel the attendance of witnesses at the preliminary inquiry hearing in accordance with KRS 6.666.

(4) All testimony taken at the preliminary inquiry hearing shall be under oath.

(5) The enforcement counsel shall call witnesses and question them concerning the allegations in the complaint, and the complainant shall be given an opportunity to testify. The members of the commission may ask questions of the witnesses and complainant. The commission may allow the respondent to cross-examine the witnesses and the complainant.

(6) Following the presentation of evidence by the enforcement counsel, the respondent shall be given the opportunity to testify under oath and to present evidence on his or her behalf.

(7) Following the presentation of evidence by the enforcement counsel and respondent, the commission may allow the enforcement counsel and respondent to present statements to the commission concerning the disposition of the complaint.

(8) At the conclusion of the evidence and statements, the commission shall meet in executive session to deliberate on the question of whether there is probable cause to believe a violation has occurred.

(9) The witnesses, the complainant, the respondent, and the respondent's attorney shall not be present during the deliberations.

(10) In accordance with KRS 6.686(5), at the conclusion of the preliminary inquiry hearing, the commission may dismiss the complaint, issue a confidential reprimand, or initiate an adjudicatory proceeding.

Section 4. Incorporation by Reference. (1) "Complaint", 10/16, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Legislative Ethics Commission, 22 Mill Creek Park, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m.

JOHN SCHAAF, Executive Director

APPROVED BY AGENCY: June 15, 2016

FILED WITH LRC: June 15, 2016 at 11 a.m.

CONTACT PERSON: Kara L. Daniel, Counsel, Kentucky Legislative Ethics Commission, 22 Mill Creek Park, Frankfort, Kentucky 40601, phone (502) 573-2863, fax (502) 573-2929.

GENERAL ASSEMBLY
Legislative Ethics Commission
(As Amended at ARRS, August 4, 2016)

2 KAR 2:060. Adjudicatory hearings.

RELATES TO: KRS 6.611, **6.686**, 6.691

STATUTORY AUTHORITY: KRS 6.666(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 6.666(5) requires the commission to promulgate administrative regulations necessary to implement KRS 6.601 through 6.849. KRS 6.686 requires the commission to conduct adjudicatory hearings into alleged violations of KRS 6.601 through 6.849 in appropriate cases. This administrative regulation establishes the requirements governing adjudicatory proceedings of the commission.

Section 1. Definitions. (1) "Commission" is defined by KRS 6.611(9).

(2) "Complaint" means a formal, written complaint filed in accordance with KRS 6.686 that accuses one (1) or more persons of violating a provision of KRS 6.601 to 6.849.

(3) "Enforcement counsel" means the attorney employed by the commission to investigate and prosecute a complaint.

(4) "Respondent" means a person accused in a complaint of violating any of the provisions of KRS 6.601 to 6.849.

Section 2. Joinder of Complaints. (1) Separate complaints against a single respondent may be consolidated by the commission and heard as a single case.

(2)(a) Separate complaints against two (2) or more

respondents may be consolidated and heard as a single proceeding if the commission determines that the complaints are based upon the same or related set of facts.

(b) If allegations against two (2) or more respondents are heard as a single proceeding, the commission shall make separate findings regarding each respondent.

Section 3. Rulings on Motions. (1) A substantive or dispositive motion such as a motion to dismiss or a motion to exclude evidence shall be ruled on by the commission.

(2) A procedural motion such as a motion for a continuance shall be ruled on by the commission chair or another member authorized by the commission.

(3) All pleadings, motions, and exhibits shall be filed with the principal assistant of the commission staff and copies served on each respondent or respondent's counsel and on the commission's enforcement counsel in accordance with the Kentucky Rules of Civil Procedure.

Section 4. Authority for Settlement Negotiations. (1) The commission may authorize:

(a) Its enforcement counsel to attempt to negotiate a settlement with the respondent; and

(b) Its chair to accept or reject a proposed negotiated settlement.

(2) If a proposed negotiated settlement is reached and accepted, the procedures established in this subsection shall be followed.

(a) The commission shall conduct an adjudicatory hearing as required by KRS 6.691(5) before imposing any penalty on the respondent.

(b) The respondent shall waive the introduction of evidence at the hearing.

(3) If a proposed negotiated settlement is rejected, the respondent's offer of settlement shall not be used against the respondent.

Section 5. Witness Lists. (1) At least ten (10) days before the date set for the adjudicatory hearing, the attorneys for the parties and for the commission shall provide to the commission the names and addresses of all proposed witnesses.

(2) A copy of each witness list shall be served upon each opposing party or counsel as provided by the Kentucky Rules of Civil Procedure.

(3) Additional witnesses may only be called for rebuttal, or with the permission of the commission for good cause shown.

(4) Commission staff shall provide all witnesses with a copy of this administrative regulation in accordance with KRS 6.691(1).

Section 6. Prehearing Conference. (1) The commission chair may order that a prehearing conference be held for the purposes set out in Kentucky CR 95 with reasonable notice to each respondent or respondent's attorney and to enforcement counsel.

(2) The commission chair, or another member authorized by the commission, shall preside over the prehearing conference.

Section 7. Amendments to the Complaint or Answer. (1) The complaint may be amended before or after the commencement of the hearing to conform to the proof or to set forth additional facts.

(2) If the complaint is amended, the respondent shall be given twenty (20) days to answer the amended complaint and a reasonable time to prepare his or her defense against the matters charged in the amended complaint.

Section 8. Hearing Additional Evidence. (1) The commission may order a hearing for the taking of additional evidence at any time while the complaint is pending before it.

(2) The order shall set the time and place of the hearing and shall indicate the matters on which the evidence is to be taken.

(3) A copy of the order shall be sent by mail to the respondent or the respondent's attorney at least ten (10) days prior to the date of the hearing.

Section 9. Deliberations. The commission shall deliberate and publish its findings and conclusions in accordance with KRS 6.691(4) and (5).

Section 10. Transcript of Evidence. Adjudicatory hearings before the commission shall be reported by a reporter or recorded by an electronic device.

JOHN SCHAAF, Executive Director

APPROVED BY AGENCY: June 15, 2016

FILED WITH LRC: June 15, 2016 at 11 a.m.

CONTACT PERSON: Kara L. Daniel, Counsel, Kentucky Legislative Ethics Commission, 22 Mill Creek Park, Frankfort, Kentucky 40601, phone (502) 573-2863, fax (502) 573-2929.

FINANCE AND ADMINISTRATION CABINET Executive Branch Ethics Commission (As Amended at ARRS, August 4, 2016)

9 KAR 1:040. Registration and expenditure statements; financial transactions and termination forms;[handbook;] and enforcement.

RELATES TO: KRS 11A.211, 11A.216, 11A.221, 11A.231, 11A.233(1), 11A.241(4), (5), (6), 11A.990

STATUTORY AUTHORITY: KRS 11A.110(3), (4), 11A.241(4), (5)

NECESSITY, FUNCTION, AND CONFORMITY: **KRS 11A.110(3) requires the Executive Branch Ethics Commission to promulgate administrative regulations to implement and prescribe forms for statements required by KRS Chapter 11A. KRS 11A.241(4) and (5) require[KRS 11A.241(4) requires]** the Executive Branch Ethics Commission to prescribe the initial registration statement, the updated registration statement, and the termination notice required by KRS 11A.211, the statement of expenditures required by KRS 11A.216, and the statement of financial transactions required by KRS 11A.221.~~[KRS 11A.241(6) requires the commission to publish a handbook that explains the provisions of KRS 11A.201 to 11A.246. KRS 11A.990 states that a lobbyist who fails to file a registration statement shall be subject to a civil penalty.]~~ This administrative regulation establishes the registration, financial transactions, and expenditure statements, termination notice,~~[handbook;]~~ and enforcement procedure.

Section 1. Definitions. (1) "Commission" means the Executive Branch Ethics Commission.

(2) "Employer" is defined by KRS 11A.201(3).

(3) "Executive agency decision" is defined by KRS 11A.201(7).

(4) "Executive agency lobbyist" is defined by KRS 11A.201(8).

(5) "Real party in interest" is defined by KRS 11A.201(15).

Section 2. Initial Registration Statement. (1) The initial registration statement and fee required by KRS 11A.211 shall be filed on the ["Initial Registration Statement"] form.

(2)(a) The brief description of the executive agency decision shall include the subject matter for which an executive agency lobbyist:

1. Has been engaged; or

2. Is responsible.

(b) Subject matters shall include:

1. An award of grant for social services;

2. A lease for office space or equipment;

3. A contract to provide food, clothing, or other consumable products; and

4. Any other subject matter.

(3)(a) The signature on the ["Initial Registration Statement"] which is filed with the commission shall be submitted either in blue or black ink, electronically by facsimile or electronic mail to the commission, or through an online system established by the commission[an original signature in ink other than black].

(b) The forms incorporated by reference in this administrative regulation may be reproduced by an executive agency lobbyist or

his employer.

2686.

Section 3.2. (1) The [“]Updated Registration Statement[”] form required by KRS 11A.211(2) shall be filed on the applicable [“]Updated Registration Statement[”] forms.

(2) The notice of termination required by KRS 11A.211(4) shall be filed on the [“]Termination Notification As Executive Agency Lobbyist[”] form.

Section 4.3. Enforcement Procedure. (1) If an executive agency lobbyist, an employer of an executive agency lobbyist, or a real party in interest has not filed an [“]Updated Registration Statement[”] on or before the date the statement is due, the commission shall notify the party, by certified mail, return receipt requested, that if the statement is not filed within fifteen (15) days of the date of the receipt of notice the commission shall levy a fine, as provided by KRS 11A.990(5).

(2) If, by the 16th day after proof of service of the certified letter is received by the commission, the commission has not received the statement that was due by July 31, the commission shall prepare and issue to the executive agency lobbyist, employer, or real party in interest an order demanding payment of the appropriate fine as required by KRS 11A.990(5). The executive agency lobbyist, employer, or real party in interest shall pay the fine within [no later than] ten (10) days from the date of the order. The commission shall [may] exonerate or reduce the fine if the commission receives evidence during the ten (10) day fine payment period indicating the filer has already filed the updated registration statement, or that the delinquency is in error.

(3) The commission also may exonerate or reduce a fine for late filing of the updated registration statement if the commission feels that exoneration is warranted, based on the circumstances, such as illness or injury, bereavement, emergency, unforeseen circumstances beyond the control of the person, bona fide effort to file on time, or similar circumstance[, based on the circumstances, is warranted].

(4) If the commission is not in receipt of the fine from the executive agency lobbyist, employer, or real party in interest by the tenth day after issuance of the order demanding payment of the fine, the general counsel may recommend that the commission initiate an investigation of the executive agency lobbyist, employer, or real party in interest to determine if the failure to file was intentional causing the criminal penalties set forth in KRS 11A.990(6) to apply.

Section 5.4. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Initial Registration Statement", [(rev. 04/2016[02/07])];
- (b) "Updated Registration Statement - Executive Agency Lobbyist", [(rev. 04/2016[02/07])];
- (c) "Updated Registration Statement - Employer of Executive Agency Lobbyist", [(rev. 04/2016[02/07])];
- (d) "Updated Registration Statement -Executive Agency Lobbyist/Employer Combined", [(rev. 04/2016[02/07])];
- (e) "Updated Registration Statement - Real Party in Interest", [(rev. 04/2016[02/07])];
- (f) "Termination Notification as Executive Agency Lobbyist", [(rev. 04/2016[02/07])];
- (g) ["Executive Agency Lobbying Handbook (Rev. 02/07)"; and
- (h) "Commonwealth of Kentucky Registration Card Executive Agency Lobbyist", [(9/93)]].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Executive Branch Ethics Commission, #3 Fountain Place[The Vest-Lindsey House, 404 Wapping Street], Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

WILLIAM DAVID DENTON, Chair

APPROVED BY AGENCY: April 19, 2016

FILED WITH LRC: May 13, 2016 at noon

CONTACT PERSON: Kathryn H. Gabhart, Executive Director, Executive Branch Ethics Commission, #3 Fountain Place, Frankfort, Kentucky 40601, phone (502) 564-7954, fax (502) 564-

**PUBLIC PROTECTION CABINET
Office of Occupations and Professions
(As Amended at ARRS, August 4, 2016)**

200 KAR 30:010. Definitions for 200 KAR Chapter 30.

RELATES TO: KRS 164.6903[164.680] – 164.6935[164.689]

STATUTORY AUTHORITY: KRS 164.6905(3)[164.681(4)]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.6905(3)[164.681(4)] authorizes the Office of Occupations and Professions[division] to promulgate administrative regulations necessary to carry out the provisions of KRS 164.6901[164.6903][164.680] to 164.6935[164.689]. This administrative regulation establishes the definitions for 200 KAR Chapter 30.

Section 1. Definitions. (1) "Agency/Agent" contract" is defined by KRS 164.6903(1)[164.680(1)].

(2) "Appropriate college, university, or athletic regulatory body" means the college, university, or athletic regulatory body which provides or regulates an athletic program in which a student athlete participates or did participate, at the time the misconduct set forth in a complaint occurred.

(3) "Athlete agent" is defined by KRS 164.6903(2)[164.680(3)].

(4) "Charge" means an allegation issued by the college, university, or athletic regulatory body stating that a violation of a specified provision of KRS 164.6901[164.681] to 164.6935[164.689], or 200 KAR Chapter 30, has occurred.

(5) "Complaint" means a written allegation of misconduct by a registered athlete agent or student athlete which may constitute a violation of KRS 164.6901[164.680] to 164.6935[164.689] or 200 KAR Chapter 30.

(6) "Director" means the executive director of the Office of Occupations and Professions.

(7) "Disciplinary action" means:

(a) A suspension,for revocation, or refusal to renew a registration for conduct that would have justified denial of a registration under KRS 164.6911(2) of an athlete agent's registration;

(b) The imposition of community service upon a student athlete; or

(c) A combination of the actions authorized in paragraphs (a) and (b) of this subsection.

~~[(7) "Director" means the executive director of the Office][Division][of Occupations and Professions.]~~

(8) ["Division" is defined by KRS 164.680(4).]

(9) "Investigative assistant" means an individual assigned by the office[division] to assist in the investigation of a complaint.

(9) "Office" is defined by KRS 164.6903(5).

(10) "Student-athlete[~~Student-athlete~~]" is defined by KRS 164.6903(13)[164.680(7)].

WILLIAM L. BROWN, Executive Director

APPROVED BY AGENCY: May 12, 2016

FILED WITH LRC: May 13, 2016 at 9 a.m.

CONTACT PERSON: John Marcus Jones, Board Counsel, Office of the Attorney General, 700 Capital Avenue, Suite 118, Frankfort, Kentucky 40601. phone (502) 696-5635, fax (502) 696-3925.

PUBLIC PROTECTION CABINET
Office of Occupations and Professions
(As Amended at ARRS, August 4, 2016)

200 KAR 30:020. Complaint review.

RELATES TO: KRS 164.6913[164.680] – 164.6933[164.689]

STATUTORY AUTHORITY: KRS 164.6905(3)[164.6913(1),
(2)]/[164.681(4)]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.6905(3)[164.681(4)] authorizes the Office of Occupations and Professions[division] to promulgate administrative regulations necessary to implement KRS 164.6901[164.680] to 164.6935[164.689]. This administrative regulation establishes the procedure for review of a complaint against an athlete agent or student athlete. [~~KRS 164.6905(3)~~][164.681(4)] [~~authorizes the office~~][division] [~~to promulgate administrative regulations establishing a procedure to review complaints against athlete agents and student athletes for violation of KRS 164.6901~~][164.680] [~~to 164.6935~~][164.689], and the administrative regulations promulgated thereunder. This administrative regulation sets forth procedures for review of complaints.]

Section 1. Form of Complaint: Response. (1) A complaint shall be:

- (a) Submitted to the office[division];
- (b) In writing; and
- (c) Signed by the person offering the complaint.

(2) A complaint may be filed by a person or institution, including the office[division] or appropriate college, university, or athletic regulatory body, based upon information in its possession.

(3) Upon receipt of a complaint, the office[division] shall:

- (a) Send a copy to the appropriate college, university, or athletic regulatory body; and
- (b) Send to the athlete agent or student athlete named in the complaint:
 1. A copy of the complaint; and
 2. A request for a response to the complaint.
- (4) The response shall be:
 - (a) Filed with the office[division] within twenty (20) days from the date of service of the complaint; and
 - (b) Served upon the appropriate college, university, or athletic regulatory body.

Section 2. [~~Review by Appropriate College, University, or Athletic Regulatory Body.~~] (1) ~~After the receipt of a complaint, and a response, or after the period of time for a response to be filed has expired, the appropriate college, university, or athletic regulatory body shall enter an initial determination within thirty (30) days stating in writing whether a formal investigation of the complaint is necessary. An extension of time shall be granted by the office~~][division] [~~for good cause, upon request by the institution.~~]

(2)(a) ~~A college, university, or athletic regulatory body shall determine that a complaint does not warrant a formal investigation if:~~

1. ~~The complaint does not allege a violation of KRS 164.6901~~][164.680] [~~to 164.6935~~][164.689] [~~or 200 KAR Chapter 30; or~~

2. ~~The allegations in the complaint, if true, would not constitute a violation of KRS 164.6901~~][164.680] [~~to 164.6935~~][164.689] [~~or 200 KAR Chapter 30.~~

(b) ~~If the college, university, or athletic regulatory body determines that a complaint does not warrant a formal investigation pursuant to paragraph (a) of this subsection, the college, university, or athletic regulatory body shall notify the complaining party, the person against whom the complaint was made, and the office~~][division] [~~of its recommendation not to proceed in writing and within ten (10) days of the date of the decision. The office~~][division] [~~shall:~~

1. ~~Accept the recommendation not to proceed; or~~
2. ~~Order a formal investigation under subsection (3) of this~~

section.

(3) ~~If the office~~][division] [~~, the appropriate college, university, or athletic regulatory body determines that a complaint warrants a formal investigation, the college, university, or athletic regulatory body shall:~~

(a) ~~Issue a written statement notifying the office~~][division] [~~, person against whom the complaint was made, and person or institution making the complaint, of the decision to investigate the complaint; and~~

(b) ~~Authorize its president, athletic director, or designated representative, and an investigative assistant, to investigate the complaint and report their findings and recommendations to the office~~][division] [~~within ninety (90) days of the date of the notification of the decision to investigate. An extension of time shall be granted by the office~~][division] [~~for good cause shown.~~

Section 3.] Issuance of Recommendations: Review by the Office[Division]. (1) If disciplinary action is recommended by the office, the office shall issue a report that shall state the charges upon which the recommendations are based. The office shall notify the complaining party and the individual being investigated, within fifteen (15) days in writing, of the outcome of the review[Upon completion of the formal investigation, the college, university, or athletic regulatory body shall issue a written report to the office][division] [stating its factual findings and recommendations as to the proper disposition of the complaint. The recommendations shall be served upon the person against whom the complaint was made. If disciplinary action is recommended, the report shall state the charges upon which the recommendations are based.]

(2) Within fifteen (15) days ~~of receipt of the recommendation~~], the office[division] shall take action as required by KRS 164.6913[164.687(1)].

(3) If the office[division] determines that the charges do not warrant disciplinary action, the complaint shall be dismissed. The office[division] shall notify the complaining party and; the individual being investigated, ~~and the appropriate college, university, or athletic regulatory body,~~ of the outcome of the complaint.

(4) If the office[division] determines that the charges warrant disciplinary action, the office[division] shall issue an order stating the charges, and the disciplinary action imposed. The order shall be signed by the director and served upon the person disciplined by certified mail.

(5) An order by the office[division] may be appealed as authorized by KRS 164.6913(2)[164.687(2)].

Section 3.4.] Notice and Service of Process. (1) Unless waived by the recipient, service of notice and other process shall be made by hand-delivery or delivery by certified mail, return receipt requested, to the individual's[~~last-known~~] address provided to the office at the time of registration or, if known, by regular mail on the named individual's attorney or registered agent.

(2) Refusal of service if by certified mail, or avoidance of service if hand-delivered, shall not prevent the office[division] from proceeding, ~~as may be appropriate.~~

WILLIAM L. BROWN, Executive Director

APPROVED BY AGENCY: May 12, 2016

FILED WITH LRC: May 13, 2016 at 9 a.m.

CONTACT PERSON: John Marcus Jones, Board Counsel, Office of the Attorney General, 700 Capital Avenue, Suite 118, Frankfort, Kentucky 40601, phone (502) 696-5635, fax (502) 696-3925.

VOLUME 43, NUMBER 3 – SEPTEMBER 1, 2016

PUBLIC PROTECTION CABINET
Office of Occupations and Professions
(As Amended at ARRS, August 4, 2016)

200 KAR 30:030. Procedure for registration.

RELATES TO: KRS 164.6907(1), 164.6909, 164.6911, ~~164.6915~~[164.682]

STATUTORY AUTHORITY: KRS 164.6905(3), 164.6909(1), 164.6911(4)~~[(1)]~~[164.681(4), 164.682(2)(a)]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.6905(3)~~[(164.681(4))]~~ authorizes the Office of Occupations and Professions[division] to promulgate administrative regulations necessary to implement the provisions of KRS ~~164.6901~~~~[164.6903]~~[164.680] to ~~164.6935~~[164.689]. KRS ~~164.6909~~[164.682(2)(a)] requires the office to prescribe an application form for registration as an athlete agent. KRS 164.6911 requires the office to prescribe a registration renewal form[a person to register as an athlete agent by completing and submitting to the office][division]~~[the required application]~~. This administrative regulation establishes the procedures for application for registration and renewal of~~and~~ registration of an athlete agent.

Section 1. Application Procedures. (1) An applicant for registration shall submit to the office[division]:

(a) A completed Athlete Agent Directory Application Form[Application for Athlete Agent Registration];

(b) The fee required by KRS ~~164.6915(1)~~[164.682(2)(b)] and 200 KAR 30:040;

(c) A copy of the information required by KRS ~~164.6909~~[164.682(2)(e)]; and

(d) A copy of the agent contract with the student athlete.

(2) An application shall be complete and signed by the applicant.

(3) The office[division] may request clarification and verification of the information provided in the application.

~~[(4) To file a surety bond with the division pursuant to KRS 164.682(2)(c)1, an agent shall submit to the division a completed Bond for Athlete Agents.]~~

Section 2. Renewal of Registration. In accordance with KRS 164.6911, an athlete agent who is applying for registration renewal shall submit to the office an Application for Renewal of Registration as an Athlete Agent.

Section 3. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Athlete Agent Directory Application Form", ~~4/2016~~[Application for Athlete Agent Registration (2/99)]; and

(b) "Application for Renewal of Registration as an Athlete Agent", ~~4/2016~~[Bond for Athlete Agents (2/99)].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office[Division] of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

WILLIAM L. BROWN, Executive Director

APPROVED BY AGENCY: May 12, 2016

FILED WITH LRC: May 13, 2016 at 9 a.m.

CONTACT PERSON: John Marcus Jones, Board Counsel, Office of the Attorney General, 700 Capital Avenue, Suite 118, Frankfort, Kentucky 40601, phone (502) 696-5635, fax (502) 696-3925.

PUBLIC PROTECTION CABINET
Office of Occupations and Professions
(As Amended at ARRS, August 4, 2016)

200 KAR 30:040. Fees.

RELATES TO: KRS ~~164.6915~~[164.682(2)(b)]

STATUTORY AUTHORITY: KRS ~~164.6909~~[164.681], ~~164.6915~~[164.682(2)(b)]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.6909 requires a person registering as an athlete agent to submit an application for registration to the office in a form prescribed by the office. KRS ~~164.6915~~[164.682(2)(b)] requires a person registering as an athlete agent to pay a registration fee and renewal fee as established by the office[division]. This administrative regulation establishes the fees charged by the office[division].

Section 1. Application and Renewal Fees. (1) The fee for initial registration with the Kentucky Office[Division] of Occupations and Professions as an athlete agent shall be \$300.

(2) The registration renewal fee shall be paid as of March 31 of each year.

(a) The renewal fee for registration as an athlete agent shall be \$100~~[if paid by March 31]~~.

~~(b) [The late renewal fee during a sixty (60) day grace period after March 31 shall be \$150.]~~

~~(c) The late renewal fee after the sixty (60) day grace period, but during a one (1) year period after March 31, shall be \$200.~~

~~(d) The office[division] shall:~~

~~1. revoke a registration not renewed on or before [within one (1) year of] March 31; and~~

~~2. Reinstate the registration upon:~~

~~a. Satisfaction of all requirements necessary for an initial applicant; and~~

~~b. Payment of a reinstatement fee of \$300].~~

[Section 2. Verification of Registration Fee. The fee for a verification of a registration shall be fifteen (15) dollars.]

WILLIAM L. BROWN, Executive Director

APPROVED BY AGENCY: May 12, 2016

FILED WITH LRC: May 13, 2016 at 9 a.m.

CONTACT PERSON: John Marcus Jones, Board Counsel, Office of the Attorney General, 700 Capital Avenue, Suite 118, Frankfort, Kentucky 40601, phone (502) 696-5635, fax (502) 696-3925.

GENERAL GOVERNMENT CABINET
Kentucky Board of Social Work
(As Amended at ARRS, August 4, 2016)

201 KAR 23:055. Inactive status of license.

RELATES TO: KRS 335.070(3)

STATUTORY AUTHORITY: KRS 335.070(3), (6)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.070(3) authorizes the board to promulgate administrative regulations pursuant to KRS Chapter 13A to carry out the provisions of KRS 335.010 to 335.160 and KRS 335.990. **[This administrative regulation establishes the requirements for a licensee to request approval from the board to place his or her license on inactive (nonpractice) status.]** This administrative regulation establishes the requirements relating to inactive licenses, extension of inactive status, return to active status, and reinstatement.

Section 1. Request for Inactive Status. **(1)** A licensee may request that his or her license be placed on inactive licensure status by submitting to the board:

(a) A~~[(1)]~~ written request for his or her license to be placed on inactive status, received by the board no sooner than ninety (90)

VOLUME 43, NUMBER 3 – SEPTEMBER 1, 2016

days before the license expiration date;

(b)(2) Payment of an inactive license status fee of fifty (50) dollars **made payable to the Kentucky State Treasurer**. ~~The licensee shall be relieved of his or her obligation to pay the license renewal fee established in 201 KAR 23:020 for his or her license level~~; and

(c)(3) A copy of certificates of attendance or completion to show proof of continuing education requirements for renewal as established in 201 KAR 23:075.

(2) The licensee shall be relieved of his or her obligation to pay the license renewal fee established in 201 KAR 23:020 for his or her license level.

Section 2. Additional Extension of Inactive Status. A licensee whose license is on inactive status may request an additional extension of the inactive license status and shall submit to the board:

(1) **A** written request to continue the license on inactive status, received by the board no sooner than ninety (90) days before the license expiration date;

(2) Payment of **an inactive status fee of** a fifty (50) **dollars made payable to the Kentucky State Treasurer** **dollar inactive status fee**; and

(3) A copy of continuing education certificates of completion or attendance, awarded to the licensee during the period of inactive status, to show proof of continuing education requirements for renewal as established in 201 KAR 23:075.

Section 3. License Expiration. If the licensee does not submit a request for extension of the inactive status or the licensee fails to renew his or her license before the license expiration date, the license shall expire.

Section 4. Return to Active License Status. At any time within the three (3) year period of being granted inactive licensure status, a licensee may request his or her license be returned to active status by submitting to the board:

(1) **A** written request to the board to return his or her license to active status;

(2) Payment of the current license renewal fee as set forth in 201 KAR 23:020; and

(3) A copy of continuing education certificates of completion or attendance, awarded to the licensee during the period of inactive status, to show proof of continuing education requirements for renewal as established in 201 KAR 23:075.

Section 5. Renewal of Expired License. Following expiration of a license under Section 3 of this administrative regulation, a licensee who desires to practice social work in Kentucky shall follow the requirements for reinstatement established in 201 KAR 23:050.

WILLIAM M. ADCOCK, Chair

APPROVED BY AGENCY: July 15, 2016

FILED WITH LRC: July 15, 2016 at 11 a.m.

CONTACT PERSON: Florence S. Huffman, Executive Director, Kentucky Board of Social Work, 44 Fountain Place, Frankfort, Kentucky 40601, phone (502) 564-2350, fax (502) 696-8030, email florence.huffman@ky.gov.

**ENERGY AND ENVIRONMENT CABINET
Department for Environmental Protection
Division for Air Quality
(As Amended at ARRS, August 4, 2016)**

401 KAR 51:010. Attainment status designations.

RELATES TO: KRS 224.20-100, 224.20-110, 224.20-120, 40 C.F.R. 50.51, 52, 53, 58, 75, 81, 318, 42 U.S.C. 7401-7671q[7626, 7407, 7501-7515, 7601]

STATUTORY AUTHORITY: KRS 224.10-100(5), 224.20-110, 42 U.S.C. 7407[7401-7626]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(5) requires the [Environmental and Public Protection] cabinet to promulgate[prescribe] administrative regulations for the prevention, abatement, and control of air pollution. This administrative regulation designates the status of all areas of the Commonwealth of Kentucky with regard to attainment of the ambient air quality standards.

Section 1. Definitions. (1) "Rest of state"[as used in Sections 4 through 7 of this administrative regulation] means the remainder of the state has been designated and identified on a county by county basis.

(2) "Road" means a Kentucky route, a county road, a lane, or a U.S. route, highway, or interstate.

(3) "Statewide"[as used in Section 8 of this administrative regulation] means the entire state has been designated on a county by county basis.

[(3) "Road" as used in Section 2(3) of this administrative regulation means a Kentucky route, a county road, a lane, or a U.S. route, highway, or interstate.]

Section 2. Attainment Status Designations. (1) The attainment status of areas of the Commonwealth of Kentucky with respect to the ambient air quality standards for carbon monoxide, lead, nitrogen oxides, ozone, particulate matter, and sulfur dioxide[, carbon monoxide, ozone and nitrogen oxides] is listed in Sections 4 through 10[5 through 8] of this administrative regulation.[The attainment status of areas of the Commonwealth of Kentucky with respect to total suspended particulates is listed in Section 4 of this administrative regulation.]

(2) Within sixty (60) days of revision by the U.S. Environmental Protection Agency (U.S. EPA) of a national ambient air quality standard, the cabinet shall review applicable data and submit to the U.S. EPA a revision to the attainment - nonattainment list pursuant to 42 U.S.C. 7407(d)(1).

(3) A road, junction, or intersection of two (2) or more roads as used in Section 7 of this administrative regulation that defines a nonattainment boundary for an area **that[which]** is a portion of a county designated as nonattainment for ozone for any classification except marginal shall include as nonattainment an area extending 750 feet from the center of the road, junction, or intersection.

Section 3. Attainment Timetable. Primary and secondary ambient air quality standards shall be attained as expeditiously as practicable.

Section 4. Attainment Status Designations for Carbon Monoxide (CO). **[The] 1971 Standard[is as follows]:**

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

Section 5. Attainment Status Designations for Lead (Pb). **[The] 2008 Standard[is as follows]:**

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

Section 6. Attainment Status Designations for Nitrogen Oxides (NO₂).

(1) 1971 Annual Standard:

Designated Area	Does Not Meet Primary Standards	Cannot Be Classified or Better Than Standards
Statewide		X

(2) 2010 One (1) Hour Standard:

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

Section 7. Attainment Status Designations for Ozone (O₃). (1) The 1971 One (1) Hour Standard was revoked effective June 15, 2005, for all areas in the Commonwealth of Kentucky. The

VOLUME 43, NUMBER 3 – SEPTEMBER 1, 2016

Cincinnati-Hamilton, Edmonson County, Huntington-Ashland, Lexington-Fayette, Louisville, Owensboro, and Paducah areas shall be considered maintenance areas for the one (1) hour national ambient air quality standards for the purposes of 40 C.F.R. Part 51, Subpart X.

(2) 1997 Eight (8) Hour Primary and Secondary Standard:

Designated Area	Designation Type
Boone County	Attainment ⁽¹⁾
Boyd County	Attainment ⁽¹⁾
Bullitt County	Attainment ⁽¹⁾
Campbell County	Attainment ⁽¹⁾
Christian County	Attainment ⁽¹⁾
Jefferson County	Attainment ⁽¹⁾
Kenton County	Attainment ⁽¹⁾
Oldham County	Attainment ⁽¹⁾
Rest of state	Unclassifiable/Attainment

Footnote: ⁽¹⁾ Existing sources located in areas previously designated as nonattainment shall continue to comply with all applicable conditions pursuant to 401 KAR Chapters 59 and 61.

(3) 2008 Eight (8) Hour Primary and Secondary Standard:

Designated Area	Designation Type
Boone County (part) 2000 Census tracts: 701, 702, 703.01, 703.04, 703.05, 703.06, 703.07, 703.08, 703.09, 704.01, 704.02, 705.01, 705.02, 706.03	Attainment ⁽¹⁾
Campbell County (part) 2000 Census tracts: 501, 502, 503, 504, 505, 506, 511.01, 511.02, 512, 513, 519.01, 519.03, 519.04, 521, 522, 523.01, 523.02, 524, 525, 526, 528, 529, 530, 531	Attainment ⁽¹⁾
Kenton County (part) 2000 Census tracts: 603, 607, 609, 610, 611, 612, 613, 614, 616, 636.03, 636.04, 636.05, 636.06, 638, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655.01, 655.02, 656, 657, 658, 659, 668, 669, 670, 671	Attainment ⁽¹⁾
Rest of state	Unclassifiable/Attainment

Footnote: ⁽¹⁾ Existing sources located in areas previously designated as nonattainment shall continue to comply with all applicable conditions pursuant to 401 KAR Chapters 59 and 61.

Section 8. Attainment Status Designations for PM_{2.5}. (1) 1997 Annual Primary and Secondary Standard:

Designated Area	Designation Type	Classification
Boone County	Attainment ⁽¹⁾	
Boyd County	Attainment ⁽¹⁾	
Bullitt County	Nonattainment	Moderate
Campbell County	Attainment ⁽¹⁾	
Jefferson County	Nonattainment	Moderate
Kenton County	Attainment ⁽¹⁾	
Lawrence County (part) The area described by U.S. Census 2000 block group identifier 21-127-9901-6	Attainment ⁽¹⁾	
Rest of state	Unclassifiable/Attainment	

Footnote: ⁽¹⁾ Existing sources located in areas previously designated as nonattainment shall continue to comply with all applicable conditions pursuant to 401 KAR Chapters 59 and 61.

(2) 2012 Annual PM_{2.5} Primary Standard:

Designated Area	Designation Type
Bullitt County (part) 2010 Census tracts: 201.01, 201.02, 201.03, 202.01, 202.02, 203, 204, 205, 206.01, 206.02, 207.01, 207.02, 208, 211.01, and 211.02	Unclassifiable
Jefferson County	Unclassifiable
Rest of state	Unclassifiable/Attainment

(3) 1997 Twenty-four (24) Hour Primary and Secondary Standard:

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

(4) 2006 Twenty-four (24) Hour Primary and Secondary Standard:

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

Section 9. Attainment Status Designations for Sulfur Dioxide (SO₂). (1) 1971 Primary and Secondary Standard:

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
Statewide				X

(2) 2010 Primary Standard:

Designated Area	Designation Type
Boyd County	Unclassifiable/Attainment
Campbell County (part) That portion of Campbell County that/which lies south and west of the Ohio River described as follows: Beginning at geographic coordinates 38.9735 North Latitude, 84.3017 West Longitude on the edge of the Ohio River running southwesterly to KY Hwy 1566; continuing running southwesterly along KY Hwy 1566 to KY Hwy 9 (AA Highway); running northwesterly along KY Hwy 9 (AA Highway) from Hwy 1566 to Interstate 275; running northeasterly along Interstate 275 to Hwy 2345 (John's Hill Rd.), Hwy 2345 to US-27, US-27 to I-275, I-275 to the Ohio River; running southeasterly along the Ohio River from Interstate 275 to geographic coordinates 38.9735 North Latitude, 84.3017 West Longitude	Attainment ⁽¹⁾
Daviess County	Unclassifiable/Attainment
Fayette County	Unclassifiable/Attainment
Greenup County	Unclassifiable/Attainment
Henderson County	Unclassifiable/Attainment

VOLUME 43, NUMBER 3 – SEPTEMBER 1, 2016

<u>Jefferson County (part)</u> That portion of Jefferson County compassed by the polygon with the vertices using Universal Transverse Mercator (UTM) coordinates in UTM zone 16 with datum NAD83: Ethan Allen Way extended to the Ohio River at UTM Easting (m) 595738, UTM Northing 4214086 and Dixie Hwy (US60 and US31W) at UTM Easting (m) 597515, UTM Northing 4212946; along Dixie Hwy from UTM Easting (m) 597515, UTM Northing 4212946 to UTM Easting (m) 595859, UTM Northing 4210678; Near the adjacent property lines of Louisville Gas and Electric-Mill Creek Electric Generating Station and Kosmos Cement where they join Dixie Hwy at UTM Easting (m) 595859, UTM Northing 4210678 and the Ohio River at UTM Easting (m) 595326, UTM Northing 4211014; Along the Ohio River from UTM Easting (m) 595326, UTM Northing 4211014 to UTM Easting (m) 595738, UTM Northing 4214086	<u>Nonattainment</u>
<u>Jessamine County</u>	<u>Unclassifiable/Attainment</u>
<u>Livingston County</u>	<u>Unclassifiable/Attainment</u>
<u>McCracken County</u>	<u>Unclassifiable/Attainment</u>
<u>Rest of state</u>	<u>Unclassifiable</u>

Footnote: ⁽¹⁾ Existing sources located in areas previously designated as nonattainment shall continue to comply with all applicable conditions pursuant to 401 KAR Chapters 59 and 61.

<u>Designated Area</u>	<u>Designation-Type</u>
<u>Campbell County (part)</u> That portion of Campbell County which lies south and west of the Ohio River described as follows: Beginning at 38.9735 North Latitude, 84.3017 West Longitude on the edge of the Ohio River running southwesterly to KY Hwy 1566 to KY Hwy 9 (AA Highway); running northwesterly along KY Hwy 9 (AA Highway) from Hwy 1566 to Interstate 275; running northeasterly along Interstate 275 to Hwy 2345 (John's Hill Rd.), Hwy 2345 to US-27, US-27 to I-275, I-275 to the Ohio River; running southeasterly along the Ohio River from Interstate 275 to geographic coordinates 38.9735 North Latitude, 84.3017 West Longitude	<u>Attainment</u>

<u>Jefferson County (part)</u> That portion of Jefferson County compassed by the polygon with the vertices using Universal Transverse Mercator (UTM) coordinates in UTM zone 16 with datum NAD83: Ethan Allen Way extended to the Ohio River at UTM Easting (m) 59738, UTM Northing 4214086 and Dixie Hwy (US60 and US31W) at UTM Easting (m) 59751, UTM Northing 4212946; along Dixie Hwy from UTM Easting (m) 597515, UTM Northing 4212946 to UTM Easting (m) 595859, UTM Northing 4210678; Near the adjacent property lines of Louisville Gas and Electric-Mill Creek Electric Generating Station and Kosmos Cement where they join Dixie Hwy at UTM Easting (m) 595859, UTM Northing 4210678 and the Ohio River at UTM Easting (m) 595326, UTM Northing 4211014; Along the Ohio River from UTM Easting (m) 595326, UTM Northing 4211014 to UTM Easting (m) 595738, UTM Northing 4214086	<u>Nonattainment</u>
<u>Rest of state</u>	<u>Unclassifiable/Attainment]</u>

Section 10. Attainment Status Designations for Total Suspended Particulates (TSP). ~~The~~ 1971 Standard ~~is as follows~~:

<u>Designated Area</u>	<u>Does Not Meet Primary Standards</u>	<u>Does Not Meet Secondary Standards</u>	<u>Cannot Be Classified</u>	<u>Better Than National Standards</u>
<u>Bell County</u>				<u>X</u>
<u>Boyd County</u>			<u>X</u>	
<u>That portion of Bullitt County in Shepherdsville</u>				<u>X</u>
<u>That portion of Campbell County in Newport</u>				<u>X</u>
<u>That portion of Daviess County in Owensboro bordered by the Ohio River on the north, by Frederica Street projected to the river on the west, by Fourth Street</u>			<u>X</u>	

VOLUME 43, NUMBER 3 – SEPTEMBER 1, 2016

and U.S. 60 on the south, and by the Beltline (KY 212) projected to the river on the east				
That portion of Henderson County in Henderson			X	
Jefferson County			X	
That portion of Lawrence County in Louisa			X	
McCracken County				X
That portion of Madison County in Richmond			X	
Marshall County				X
Muhlenberg County				X
That portion of Perry County in Hazard			X	
That portion of Pike County in Pikeville			X	
That portion of Whitley County in Corbin				X
Rest of state				X

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standard
Bell County			X	
Boyd County			X	
That portion of Bullitt County in Shepherdsville			X	
That portion of Campbell County in Newport			X	
That portion of Daviess County in Owensboro bordered by the Ohio River on the north, by Frederica Street projected to the river on the west, by			X	

Fourth Street and U.S. 60 on the south, and by the Beltline (KY 212) projected to the river on the east				
That portion of Henderson County in Henderson			X	
Jefferson County			X	
That portion of Lawrence County in Louisa			X	
McCracken County			X	
That portion of Madison County in Richmond			X	
Muhlenberg County			X	
That portion of Perry County in Hazard			X	
That portion of Pike County in Pikeville			X	
That portion of Whitley County in Corbin			X	
Rest of state				X

Attainment Status Designations for Total Suspended Particulates.

Designated Areas	Does Not Meet Primary Standard	Does Not Meet Secondary Standards	Better Than Standard	Cannot Be Classified
Bell Co.			X	
Boyd Co.				X
That portion of Bullitt County in Shepherdsville			X	
That portion of Campbell County in Newport			X	
That portion of Daviess County in Owensboro bordered by the Ohio River on the north, by Frederica Street projected to the river on the west, by Fourth Street and U.S. 60 on the south and by the Beltline (KY 212)				X

Designated Areas	Does Not Meet Primary Standard	Does Not Meet Secondary Standards	Better Than Standard	Cannot Be Classified
projected to the river on the east				
That portion of Henderson County in Henderson				X
Jefferson County				X
That portion of Lawrence County in Louisa				X
McCracken County			X	
Marshall County			X	
That portion of Madison County in Richmond				X
Muhlenberg County			X	
That portion of Perry County in Hazard				X
That portion of Pike County in Pikeville				X
That portion of Whitley County in Corbin			X	
Rest of State			X	

Section 5. Attainment Status Designations for Sulfur Dioxide.

Designated Areas	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Better Than Standards
That portion of Boyd County south of the Northern UTM line 4251 Km	X	X	
Muhlenberg County		X	
Rest of State			X

Section 6. Attainment Status Designations for Carbon Monoxide.

Designated Area	Does Not Meet Primary Standards	Cannot Be Classified Or Better Than Standards
Jefferson Co.		X
Rest of State		X

Section 7. Attainment Status Designations for Ozone.

Designated Areas	Moderate	Marginal	Cannot be Classified or Better Than Standards
Boone County	X		
Boyd County			X
That portion of Bullitt County within the boundaries described as follows: Beginning at the	X		

intersection of KY 1020 and the Jefferson-Bullitt County line proceeding to the east along the county line to the intersection of county road 567 and the Jefferson-Bullitt County line; proceeding south on county road 567 to the junction with KY 1116 (also known as Zoneton Road); proceeding to the south on KY 1116 to the junction with Hebron Lane; proceeding to the south on Hebron Lane to Cedar Creek; proceeding south on Cedar Creek to the confluence of Floyds Fork turning southeast along a creek that meets KY 44 at Stallings Cemetery; proceeding west along KY 44 to the eastern most point in the Shepherdsville city limits; proceeding south along the Shepherdsville city limits to the Salt River and west to a point across the river from Mooney Lane; proceeding south along Mooney Lane to the junction of KY 480; proceeding west on KY 480 to the junction with KY 2237; proceeding south on KY 2237 to the junction with KY 61 and proceeding north on KY 61 to the junction with KY 1494; proceeding south on KY 1494 to the junction with the perimeter of the Fort Knox military reservation; proceeding north along the military reservation perimeter to Castleman Branch Road; proceeding north on Castleman Branch Road to KY 44; proceeding a very short distance west on KY 44 to a junction with KY 2723; proceeding north on KY 2723 to the junction of Chillicoop Road; proceeding northeast on Chillicoop Road to the junction of KY 2678; proceeding north on KY 2678 to the junction of KY 1020; proceeding north on KY 1020 to the beginning.

Caldwell County		-	X
Calloway County		-	X
Campbell County	X	-	-
Christian County		-	X
Fayette County		-	X

VOLUME 43, NUMBER 3 – SEPTEMBER 1, 2016

That portion of Greenup County within the boundaries described as follows: Beginning at a point where the Ohio River meets the Greenup-Boyd County Line; proceeding southwest along the Greenup-Boyd County Line to the junction of the East Fork of the Little Sandy River and the Greenup-Boyd County Line; proceeding north and west along the East Fork of the Little Sandy River to the confluence of the Little Sandy River; proceeding north along the Little Sandy River to the confluence of the Ohio River; proceeding east along the Ohio River to the beginning.		-	X	Water Filtration Plant; proceeding on to the east-southeast along the power line then south across Fort Pickens Road to a power substation on KY 146; proceeding along the power line south across KY 146 and the Seaboard System Railroad Track to adjoin the incorporated city limits of LaGrange; then proceeding east then south along the LaGrange city limits to a point abutting the north side of KY 712; proceeding east-southeast on KY 712 to the junction of Massie School Road and KY 712; proceeding to the south-southwest on Massie School Road to the intersection of Massie School Road and Zale Smith Road; proceeding northwest on Zale Smith Road to the junction of KY 53 and Zale Smith Road; proceeding on KY 53 to the north-northwest to the junction of new Moody Lane and KY 53; proceeding on new Moody Lane to the south-southwest until meeting the city limits of LaGrange; then briefly proceeding north following the LaGrange city limits to the intersection of the northbound lane of Interstate 71 and the LaGrange city limits; proceeding southwest on the northbound lane of Interstate 71 until intersecting with the North Fork of Currys Fork; proceeding south-southwest beyond the confluence of Currys Fork to the south-southwest beyond the confluence of Floyds Fork continuing on to the Oldham-Jefferson County Line; proceeding northwest along the Oldham-Jefferson County Line to the beginning.			
Jefferson County	X	-	-				
Kenton County	X	-	-				
That portion of Oldham County within the boundaries described as follows: Beginning at the intersection of the Oldham-Jefferson County line with the southbound lane of Interstate 71; proceeding to the northeast along the southbound lane of Interstate 71 to the intersection of KY 329 and the southbound lane of Interstate 71; proceeding to the northwest on KY 329 to the intersection of Zaring Road and KY 329; proceeding to the east-northeast on Zaring Road to the junction of Cedar Point Road and Zaring Road; proceeding to the north-northeast on Cedar Point Road to the junction of KY 393 and Cedar Point Road; proceeding to the south-southeast on KY 393 to the junction of the access road on the north side of Reformatory Lake and the Reformatory; proceeding to the east-northeast on the access road to the junction with Dawkins Lane and the access road; proceeding to follow an electric power line east-northeast across from the junction of County Road 746 and Dawkins Lane to the east-northeast across KY 53 on to the LaGrange	X	-	-				
Trigg County							X
Rest of State							X

Section 8. Attainment Status Designations for Nitrogen Oxides:		
Designated Area	Does Not Meet Primary Standards	Cannot Be Classified or Better

VOLUME 43, NUMBER 3 – SEPTEMBER 1, 2016

		Than Standards
Statewide		X]

CHARLES G. SNAVELY, Secretary

APPROVED BY AGENCY: July 11, 2016

FILED WITH LRC: July 12, 2016 at 2 p.m.

CONTACT PERSON: Cassandra Jobe, Policy Analyst,
Division for Air Quality, 200 Fair Oaks Lane, 1st Floor, Frankfort,
Kentucky 40601, phone (502) 564-3999, fax (502) 564-4666, email
Cassandra.Jobe@ky.gov.

JUSTICE AND PUBLIC SAFETY CABINET

Department of Corrections

(As Amended at ARRS, August 4, 2016)

501 KAR 6:110. Roederer Correctional Complex.

RELATES TO: KRS Chapters 196, 197, 439

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035,
197.020, 439.470, 439.590, and 439.640 authorize the Justice and
Public Safety Cabinet and Department of Corrections to
promulgate administrative regulations necessary and suitable for
the proper administration of the department or of its divisions.
These policies and procedures are incorporated by reference in
order to comply with the accreditation standards of the American
Correctional Association. This administrative regulation establishes
the policies and procedures for the Roederer Correctional
Complex.

Section 1. Incorporation by Reference. (1) "Roederer
Correctional Complex policies and procedures," August 4/June
14], 2016[July 8, 2014], are incorporated by reference. Roederer
Correctional Complex policies and procedures include:

- RCC 01-08-01 Public Information and News Media Access
(Amended 05/15/12)
- RCC 02-02-02 Inmate Personal Funds (Amended 05/15/12)
- RCC 02-02-05 Inmate Canteen Services (Amended 05/15/12)
- RCC 05-02-01 Consultants, Research, and Student Interns
(Added 5/15/12)
- RCC 06-03-01 Records Release of Information (Amended
05/15/12)
- RCC 08-01-01 Fire Prevention (Amended 7/26/13)
- RCC 09-08-01 Operation of a Licensed Vehicle by an Inmate
(Added 05/15/12)
- RCC 09-10-01 Fishing At Roederer Correctional Complex Lakes
(Amended 05/15/14)
- RCC 09-29-01 Tobacco and Smoke Free Environment (Amended
8/4/16[6/14/16] [Added 05/15/12])
- RCC 09-31-01 Firewood Cutting and Firewood Sales (Added
8/4/16[6/14/16])
- RCC 10-01-02 Temporary Holding Cell Guidelines (Amended
7/8/14)
- RCC 11-01-01 Food Service [Guidelines] (Amended
6/14/16[05/15/12])
- RCC 11-04-01 Food Service: Meals, Storage, Menu Nutrition and
Alternative Items (Amended 6/14/16[7/8/14])
- RCC 11-05-02 Sanitation and Health Requirements of Food
Handlers (Amended 05/15/12)
- RCC 12-01-01 Sanitation, Living Conditions and Clothing
Issuance (Amended 05/15/12)
- RCC 12-01-02 Bed Areas (Amended 7/8/14)
- RCC 12-01-03 General Guidelines for Living Units (Amended
7/8/14)
- RCC 12-02-01 Laundry Services (Amended 6/14/16[05/15/14])
- RCC 12-03-01 Personal Hygiene Items: Issuance and
Replacement Schedule (Amended 05/15/12)
- RCC 12-03-02 Barber Shop Services and Equipment Control
(Amended 05/15/14)
- RCC 12-07-01 Treatment of Inmates with Body Lice (Added
05/15/12)

- RCC 13-02-01 Health Maintenance Services: Sick Call and Pill
Call (Amended 05/15/14)
- RCC 13-03-01 Dental Procedures and Sick Call (Amended
6/14/16[05/15/14])
- RCC 13-04-01 Preliminary Health Evaluation and Establishment
of Inmate Medical Records (Amended 05/15/12)
- RCC 13-06-03 Emergency Medical and Dental Care Services
(Amended 05/15/14)
- RCC 13-07-03 Use of Pharmaceutical Products (Amended
05/15/14)
- RCC 13-07-04 Self-Administered Medication Program (Amended
7/26/13)
- RCC 13-09-01 Notification of an Inmate's Family Due to Serious
Illness, Surgery, or Death (Amended 05/15/12)
- RCC 13-10-01 Health Education and Special Health Programs
(Amended 05/15/12)
- RCC 13-11-01 Informed Consent (Amended 05/15/12)
- RCC 13-13-01 Identification and Transfer Procedures[Guidelines]
for Inmates with Psychological, Psychiatric, or
Severe Medical Disabilities (Amended
8/4/16[6/14/16] [05/15/14])
- RCC 13-16-01 Specialized Health Services (Amended 7/8/14)
- RCC 13-18-01 Infection Control (Amended 05/15/12)
- RCC 13-19-01 Medical Waste Management (Amended 05/15/12)
- RCC 13-20-01 Medical Services Co-pay (Amended 05/15/12)
- RCC 13-21-01 Mental Health Services (Amended
6/14/16[05/15/12])
- RCC 13-24-01 Substance Abuse and Chemical Dependency
Program (Amended 6/14/16[05/15/12])
- RCC 14-01-01 Inmate Rights and Responsibilities (Amended
6/14/16[05/15/12])
- RCC 14-02-01 Legal Services Program (Amended 05/15/12)
- RCC 14-03-01 Marriage of Inmates (Amended 05/15/12)
- RCC 14-05-01 Americans with Disabilities Act and Inmate
Program Access (Added 6/14/16)
- RCC 16-01-01 Inmate Visiting (Amended 6/14/16[05/15/14])
- RCC 16-01-02 Restricted Visitation (Amended
8/4/16[6/14/16] [Added 7/26/13])
- RCC 16-02-01 Telephone Communications (Amended
6/14/16[05/15/12])
- RCC 16-03-01 Mail Regulations (Amended
8/4/16[6/14/16] [7/26/13])
- RCC 16-04-01 Parole Hearings: Media and Visitors (Added
7/26/13)
- RCC 17-01-01 Assessment and Orientation Procedure for Intra-
system Transfers (Amended 6/14/16[05/15/12])
- RCC 17-01-02 Identification Department Admission and
Discharge Procedures (Amended
8/4/16[6/14/16] [05/15/14])
- RCC 17-05-05 Assessment Center Operations and Reception
Program (Amended 6/14/16[05/15/14])
- RCC 18-01-01 Classification (Amended 6/14/16[05/15/14])
- RCC 19-01-01 Job and Program Assignments (Amended
6/14/16[05/15/14])
- RCC 20-01-01 Education Program (Amended 6/14/16[05/15/14])
- RCC 20-01-03 Vocational Horticulture Program (Amended
6/14/16[7/8/14])
- RCC 21-01-01 Library Services (Amended 6/14/16[05/15/14])
- RCC 22-01-01 Recreation and Inmate Activities (Amended
05/15/12)
- RCC 22-03-01 Inmate Clubs and Organizations (Amended
6/14/16[7/26/13])
- RCC 22-03-02 Alcohol Anonymous and Narcotics Anonymous
Club Sponsored Picture Project (Amended
6/14/16[7/26/13])
- RCC 22-04-01 Arts and Crafts Program (Amended
6/14/16[05/15/14])
- RCC 23-01-01 Religious Services (Amended 6/14/16[05/15/14])
- RCC 24-01-01 Social Services and Counseling (Amended
6/14/16[05/15/14])
- RCC 25-01-01 Furloughs (Amended 05/15/12)
- RCC 25-05-01 Inmate Discharge Procedure (Amended
6/14/16[7/8/14])

RCC 26-01-01 Citizens Involvement and Volunteer Services Program (Amended ~~8/4/16~~~~6/14/16~~~~7/26/13~~)

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Legal Services, Justice and Public Safety Cabinet, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

RODNEY BALLARD, Commissioner

APPROVED BY AGENCY: June 13, 2016

FILED WITH LRC: June 14, 2016 at 9 a.m.

CONTACT PERSON: Amy V. Barker, Assistant General Counsel, Justice & Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686.

**COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Kentucky Fire Commission
(As Amended at ARRS, August 4, 2016)**

739 KAR 2:140. Volunteer fire department reporting requirements.

RELATES TO: ~~[2016 Ky. Acts ch. 91,]~~ KRS Chapter 65A, 75.430, Chapter 95A

STATUTORY AUTHORITY: KRS 95A.055(9)~~[2016 Ky. Acts ch. 91]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 95A.055(9) requires the commission to promulgate administrative regulations ~~[under KRS Chapter 13A as soon as practicable after its effective date]~~ to implement KRS 75.430 and 95A.055. This administrative regulation establishes the volunteer fire department reporting requirements.

Section 1. Definitions. (1) ~~["Annual income" means ordinary compensation for firefighter services rendered, excluding grants, loans, or similar one-time payments.~~

(2) "Commission" means the Commission on Fire Protection Personnel Standards and Education established in KRS Chapter 95A.

~~(2)(3) "County" is defined by KRS 65A.010(1).~~

~~(4) "Reporting fire department" is defined by KRS 95A.055(1) [means any fire protection district or volunteer fire department district operating under KRS Chapter 75, or any fire department incorporated under KRS Chapter 273, with the higher of annual receipts from all sources or annual expenditures of less than \$100,000].~~

Section 2. Reporting Requirements. Each reporting fire department shall comply with KRS 95A.055(2) and shall:

~~(1) List, for each fiscal year beginning on and after July 1, 2016, annually submit to the commission the following information:~~

~~(1) Administrative information, including the following:~~

~~(a) The name, address, and, if applicable, the term and appointing authority for each board member of the governing body of the reporting fire department;~~

~~(b) The fiscal year of the reporting fire department;~~

~~(c) The Kentucky Revised Statute and, if applicable, the local government ordinance under which the fire department was established; the date of establishment; the establishing entity; and the statute or statutes, local government ordinance, or interlocal agreement under which the fire department operates, if different from the statute or statutes, ordinance, or agreement under which it was established;~~

~~(d) The mailing address and telephone number and, if applicable, the Web site uniform resource locator (URL) of the reporting fire department;~~

~~(e) The operational boundaries and service area of the reporting fire department and the services provided by the reporting fire department;~~

~~(f) A listing of the taxes or fees imposed and collected by~~

~~the reporting fire department, including the rates or amounts charged for the reporting period and the statutory or other source of authority for the levy of the tax or fee;~~

~~(g) The primary contact for the reporting fire department for purposes of communication with the commission;~~

~~(h) The code of ethics that applies to the reporting fire department and whether the reporting fire department has adopted additional ethics provisions;~~

~~(i) A listing of all federal, state, and local governmental entities that have oversight authority over the reporting fire department or to which the reporting fire department submits reports, data, or information;~~

~~(j) A listing of~~ the elected or appointed members of the board of the reporting fire department, if applicable;

~~(2) Submit~~~~[and~~

~~(k)]~~ the budget adopted by the reporting fire department, if applicable; and

~~(3) Submit~~~~(2)]~~ current year estimates, amendments or transfers, and year end financial data for the following categories:

(a) Revenue calculations for the following categories:

1. Taxes;
2. Permits and licenses;
3. Payments made to governmental authorities in lieu of taxes;
4. Intergovernmental revenues;
5. Charges for services;
6. Other revenues; and
7. Interest earned;

(b) Receipt and cash calculations for the following categories:

1. Carryover cash from the prior reporting year;
2. Bonded debt;
3. Transfers to other funds;
4. Transfers from other funds;
5. Borrowed funds;
6. Government Leasing Act funds; and
7. Loans obtained from the commissions; and

(c) Appropriation calculations for the following categories:

1. Personnel;
2. Operations;
3. Administration and reserves;
4. Capital outlay; and
5. Debt service.

Section 3. Reporting Procedure. (1) Each reporting fire department shall, on last day of each fiscal year, complete and submit an updated Financial Disclosure Report to the office of the commission through electronic mail to fdstateaid@kctcs.edu.

(2) Upon receipt of a reporting fire department's Financial Disclosure Report, the office of the commission shall review the Financial Disclosure Report for accuracy and compliance with the requirements set forth in this administrative regulation. If the commission finds that a reporting fire department's Financial Disclosure Report does not comply with the requirements set forth in this administrative regulation, the commission shall notify the reporting fire department in writing of the specific deficiencies identified and the process and timeline that the reporting fire department shall follow to correct the deficiencies.

(3) By October 1 of each calendar year, the office of the commission shall produce a cumulative report of all reporting fire departments' revenues, receipts, and appropriations and their averages, as reported on the reporting fire departments' Financial Disclosure Reports for that year. This report shall detail the compliance of reporting fire departments with the requirements of this administrative regulation, shall be filed with the Legislative Research Commission, and shall be published on the commission's Web site immediately upon its production.

Section 4. **Penalties[Sanctions]**. If a reporting fire department fails to comply with the requirements of this administrative regulation, the commission may take one (1) or more of the following actions:

(1) Withhold incentive pay to qualified firefighters under KRS 95A.250;

(2) Withhold volunteer fire department aid, funds used to

purchase workers compensation insurance for fire departments, and low-interest loans under KRS 95A.262;

(3) Withhold Thermal Vision Grant program funds under KRS 95A.400 to 95A.440;

(4) Withhold any other funds controlled by the commission;

(5) Report any irregularities identified by the office of the commission relating to the finances or operations of a reporting fire department to the Attorney General, Auditor of Public Accounts, or any other public official with jurisdiction over fire departments for further investigation and follow-up action; or

(6) Prescribe corrective actions to bring a reporting fire department that is not in compliance with KRS Chapter 65A or this administrative regulation as of July 15, 2016 into compliance ~~[with that section]~~.

Section 5. Incorporation by Reference. (1) "Financial Disclosure Report," (4/16 edition), Kentucky Fire Commission, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Kentucky Fire Commission, 118 James Ct., Suite 50, Lexington, Kentucky 40505, Monday through Friday, 8 a.m. to 4:30 p.m.

GILBERT "TIGER" ROBINSON, Chair

APPROVED BY AGENCY: June 15, 2016

FILED WITH LRC: June 15, 2016 at 11 a.m.

CONTACT PERSON: Anne-Tyler Morgan; Legal Counsel, Kentucky Fire Commission; McBrayer, McGinnis, Leslie & Kirkland, PLLC, 201 East Main Street Suite 900, Lexington, Kentucky 40507, phone (859) 231-8780, fax (859) 281-6480, e-mail atmorgan@mmlk.com.

LABOR CABINET
Department of Workers' Claims
(As Amended at ARRS, August 4, 2016)

803 KAR 25:010. Procedure for adjustments of claims.

RELATES TO: KRS 342.0011, 342.020, 342.033, 342.035, 342.040, 342.120, 342.1242, 342.125, 342.165, 342.185, 342.205, 342.260, 342.265, 342.267-342.275, 342.285, 342.290, 342.300-342.316, 342.320, 342.335, 342.340, 342.395, 342.610, 342.650, 342.710, 342.715, 342.730, 342.732, 342.760, 342.792[342.125, 342.260, 342.265, 342.270, 342.300, 342.310, 342.315, 342.710, 342.715, 342.732, 342.760]

STATUTORY AUTHORITY: KRS 342.033, 342.260(1), 342.270(3), 342.285(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 342.260(1) requires the ~~commissioner[executive director]~~ to promulgate administrative regulations necessary to implement the provisions of KRS Chapter 342. KRS 342.270(3) requires the ~~commissioner[executive director]~~ to promulgate an administrative regulation establishing procedures for the resolution of claims. KRS 342.033 requires the ~~commissioner[executive director]~~ to prescribe the format and content of written medical reports. KRS 342.285(1) requires the ~~commissioner[executive director]~~ to promulgate an administrative regulation governing appeals to the Workers' Compensation Board. This administrative regulation establishes the procedure for the resolution of claims before an administrative law judge or Workers' Compensation Board.

Section 1. Definitions. (1) "Administrative law judge" or "ALJ" means an individual appointed pursuant to KRS 342.230(3).

(2) "Board" is defined by KRS 342.0011(10).

(3) **"BRC" means benefit review conference as described in Section 13 of this administrative regulation.**

(4) "Civil Rule" or "CR" means the Kentucky Rules of Civil Procedure.

(5)(4) "Claim" means any claims including injury, hearing loss, or occupational disease.

(6)(5) "Commissioner" is defined by KRS 342.0011(9).

(7)(6) "Date of filing" means the date that:

(a) A pleading, motion, or other document is electronically filed with the commissioner at the Department of Workers' Claims (DWC) in Frankfort, Kentucky;

(b) A pleading, motion, order, opinion, or other document is received by the ~~commissioner~~[Executive Director] at the ~~Department~~[Office] of Workers' Claims in Frankfort, Kentucky, except:

1.~~[Final orders and opinions of administrative law judges, which shall be deemed "filed" three (3) days after the date set forth on the final order or opinion; and~~

2.] Documents delivered to the offices of the ~~Department~~[Office] of Workers' Claims after the office is closed at 4:30 p.m. or on the weekend, which shall be deemed filed the following business day; or

2. Documents ~~(b)~~ A document is transmitted by United States registered (not certified) or express mail, or by other recognized mail carriers shall be deemed filed on, ~~and~~ the date the transmitting agency receives the document from the sender as noted by the transmitting agency on the outside of the container used for transmitting, within the time allowed for filing.

(8)(7)(5) "Employer" is defined by KRS 342.630[means individuals, partnerships, voluntary associations and corporations].

(9)(8)(6) "Employer who has not secured payment of compensation" means any employer who employs an employee as defined by KRS 342.640 but has not complied with KRS 342.340.

(10)(9)(7) "Executive director" is defined by KRS 342.0011(9).

(8) "Latest available edition" means that edition of the ["Guides to the Evaluation of Permanent Impairment" is defined by KRS 342.0011(37)[which the executive director has certified as being generally available to the office, attorneys, and medical practitioners, by posting prominently at the office's hearing sites the date upon which a particular edition of the "Guides to the Evaluation of Permanent Impairment" is applicable for purposes of KRS Chapter 342].

(11)(10) "Jurisdictional deadline" means a deadline set by statute or administrative regulation that the Department of Workers' Claims can/shall not extend or change.

(12)(11) "Litigation Management System" or "LMS" means the electronic filing and document management system utilized in the filing and processing of workers' compensation claims in the Commonwealth of Kentucky. [All pleadings, notices, orders and other documents pertaining to a claim for workers' compensation benefits shall be filed utilizing the LMS.]

(13)(12) "Notice of Filing of Application" means the notice issued by the commissioner stating that a claim has been filed, scheduling the date and time of the benefit review conference ~~[(BRC)]~~, and stating the week during which a hearing is to be held.

(14)(13) "Signature" means actual personal handwritten signatures, and includes/incorporates electronic signatures, which shall be treated as a personal signature for purposes of CR 11.

(15)(14)(9) "Special defenses" means defenses that shall be raised by "special answer" filed in accordance with Section 7(5)(2)(d) of this administrative regulation.

(16)(15) "Technical failure":

(a) Means a failure of the Department of Workers' Claims' hardware, software, and telecommunications facility that results in the impossibility for an external user to submit a filing electronically; and

(b) Does not include malfunctioning of an external user's equipment.

Section 2. Parties. (1) Any interested[The] party may file an[making the] original application for resolution of claim pursuant to KRS 342.270 or 342.316. The injured workers, or survivors, shall be designated as "plaintiff". Adverse parties shall be designated as "defendants".

(2) All persons shall be joined as plaintiffs in whom any right to any relief pursuant to KRS Chapter 342, arising out of the same transaction and occurrence, is alleged to exist. If a person refuses to join as a plaintiff, that person shall be joined as a defendant, and the fact of refusal to join as a plaintiff shall be pleaded.

(3)(a) All persons shall be joined as defendants against whom the ultimate right to relief pursuant to KRS Chapter 342 may exist, whether jointly, severally, or in the alternative. An administrative law judge shall order, upon a proper showing, that a party be joined or dismissed.

(b) ~~The Special Fund may be joined as a defendant in accordance with the appropriate statutory provisions for claims in which the injury date or date of last exposure occurred before December 12, 1996.~~

(c) Joinder shall be sought by motion as soon as practicable after legal grounds for joinder are known. Notice of joinder and a copy of the claim file shall be served in the manner ordered by the administrative law judge.

Section 3. LMS Filings. (1) **Except as provided by subsection (2)(a) and (b) of this section and Section 4 of this administrative regulation, all pleadings, notices, orders, and other documents pertaining to a claim for workers' compensation benefits shall be filed utilizing the LMS.**

(2) A document submitted electronically shall be deemed filed on the date filing is completed within the time frames set forth in paragraph (a) of this subsection. The filing party shall receive an electronic notification of the time and date filed.

(a) Pleadings, motions, orders, or other documents may be filed utilizing the LMS at any time the LMS is available. Periods of unavailability shall be pre-announced by the department. Inability to file during periods that were previously announced shall not constitute an excuse for a failure to file during a period.

(b) On or after July 1, 2017, paper or written pleadings, motions, or orders shall not be accepted for filing except for parties representing themselves. Any documents filed on paper after the effective date of this administrative regulation and through June 30, 2017, may be mailed consistent with **Section 1(6)(b) of this administrative regulation[paragraph (d) of this subsection].**

(3)(2) An electronically filed document using LMS shall bear the electronic signature of the filing party, if the party is representing himself or herself, or the filing party's attorney, as more fully described in paragraphs (a) and (b) of this subsection. The electronic signature of the filing party, if the party is representing himself or herself, or the filing party's attorney shall be treated as a personal signature and shall serve as a signature for purposes of CR 11, and all other purposes pursuant to the Kentucky Rules of Civil Procedure, and for any purpose for which a signature is required pursuant to this administrative regulation.

(a) An electronically filed document shall include a signature block setting forth the name, mailing address, phone number, fax number, and email address of the filing party, if the party is representing himself or herself, or the filing party's attorney.

(b) In addition, the name of the filing party, if the party is representing himself or herself, or of the filing party's attorney shall be preceded by an "/s/" and typed in the space where the signature would otherwise appear. A handwritten signature **shall be filed required for any paper or written filing.**

(c) Affidavits and exhibits to pleadings with original handwritten signatures shall be scanned and filed in PDF or PDF/A format.

(4)(3) Signatures of more than one (1) party required. A document requiring signatures of more than one (1) party shall be filed either by:

(a) Representing the consent of the other parties on the document by inserting in the location where each handwritten signature would otherwise appear the typed signature of each person, other than the filing party, preceded by an "/s/" and followed by the words "by permission" (e.g., "/s/ Jane Doe by permission"); or

(b) Electronically filing a scanned document containing all necessary signatures.

(5)(4) Signatures of judges, board members, and designees of the commissioner. If the signature of a judge, board member, or designee of the commissioner is required on a document, an electronic signature may be used. The electronic signature shall be treated as the judge's, board member's, or designee's personal signature for purposes of CR 11, all other Kentucky Rules of Civil Procedure, and for any purpose required by this administrative

regulation.

(6)(5) Documents required to be notarized, acknowledged, verified, or made under oath. The signature on any document required to be notarized, acknowledged, verified, or made under oath shall be handwritten and scanned into the LMS. The scanned document shall be maintained as the official record, and the filing party shall retain the originally executed copy. The original paper copy may be required to be produced if the validity of the signature is challenged.

(7)(6) Challenging or disputing authenticity.

(a) A non-filing signatory or party who disputes the authenticity of an electronically filed document with a non-attorney signature, or the authenticity of that document or the authenticity of an electronically filed document containing multiple signatures shall file an objection to the document within fourteen (14) days of service of the document. An objection to the document shall place the burden to respond on the non-objecting party and failure to do so shall result in the filing being stricken from the record.

(b) If a party wishes to challenge the authenticity of an electronically filed document or signature after the fourteen (14) day period, the party shall file a motion to seek a ruling, and show cause for the delayed challenge. If the challenge to authenticity is allowed, the non-moving party shall have the burden to prove authenticity. Failure to prove authenticity by the non-moving party shall result in the filing being stricken from the record.

(c) Challenges to authenticity filed without a valid basis shall be subject to sanctions pursuant to KRS 342.310 and Section 26 of this administrative regulation.

(8)(7) Validity and enforceability of orders. All orders or opinions to be entered or issued may be filed electronically, and shall have the same force and effect as if the judge or board member had affixed a signature to a paper copy of the order in a conventional manner.

(9)(8) Entry of orders or opinions. Immediately upon entry of an order or opinion, a notice shall be served electronically on all parties. A paper form of the order or opinion shall be served upon those parties not utilizing LMS.

Section 4. Technical Difficulty: Litigation Management System Unavailability. (1) Jurisdictional Deadlines. A jurisdictional deadline shall not be extended. A technical failure, including a failure of LMS, shall not excuse a failure to comply with a jurisdictional deadline. The filing party shall insure that a document is timely filed to comply with jurisdictional deadlines and, if necessary to comply with those deadlines, the filing party shall file the document conventionally accompanied by a certification of the necessity to do so in order to meet a jurisdictional deadline.

(2) Technical Failures.

(a) If a filing party experiences a technical failure, the filing party may file the document conventionally, if the document is accompanied by a certification, signed by the filing party, that the filing party has attempted to file the document electronically at least twice, with those unsuccessful attempts occurring at least one (1) hour apart. **The commissioner may require the document to be accompanied by a disc or CD-ROM that contains the document in PDF format.**

(b) A filing party who suffers prejudice as a result of a technical failure as defined by Section 1(16)(15) of this administrative regulation, or a filing party who cannot file a time-sensitive document electronically due to unforeseen technical difficulties, other than a document filed under a jurisdictional deadline, may seek relief from an administrative law judge. Parties may also enter into an agreed order deeming a document, other than one (1) filed under a jurisdictional deadline, timely filed.

Section 5. Pleadings. (1) An application for resolution of claim and all other pleadings shall be signed or electronically signed when using LMS, and submitted in accordance with this administrative regulation.

(a) For each claim, an applicant shall submit a completed application for resolution of claim. If the claim involves a fatality, the applicant shall also submit **a Form[an Appendix] F** within fifteen (15) days of the applicant's submission of the application.

(b) The applicant may include, if appropriate, a request for vocational rehabilitation, interlocutory relief, or a request for imposition of a safety penalty pursuant to KRS 342.165. The applicant shall also designate whether an interpreter will be required at the hearing, and shall specify the language and any specific dialect needed.

(2) The filing of an application and service through LMS shall satisfy all requirements for service pursuant to CR 5. All pleadings filed through the LMS shall be served upon all other parties electronically or by e-mail. If a party is represented, the pleading shall be served on that representative, at the party's or the representative's last known address. The parties, by agreement, may serve all pleadings upon each other by electronic means. A certificate of service indicating the date of service and electronically signed by the party shall appear on the face of the pleading. Notices of deposition, notices of physical examination, requests for and responses to requests for production of documents, and exchange of reports or records shall be served by e-mail upon the parties and shall not be filed with the commissioner.

(3) Documents filed or served outside of LMS.

(a) A document filed or served outside of LMS shall comply with this subsection[Pleadings. (1) An application for resolution of claim and all other pleadings shall be typewritten and submitted in accordance with this administrative regulation.

(a) For an injury claim, an applicant shall submit a completed Form 101, Application for Resolution of Injury Claim.

(b) For an occupational disease claim other than coal workers' pneumoconiosis, an applicant shall submit a completed Form 102-OD, Application for Resolution of Occupational Disease Claim.

(c) For a hearing loss claim, an applicant shall submit a completed Form 103, Application for Resolution of Hearing Loss Claim].

(b)[(2)] An application for resolution of claim shall be filed with sufficient copies for service on all parties. The commissioner[executive director] shall make service by first class mail.

(c)[Incomplete applications may be rejected and returned to the applicant. If the application is refiled in proper form within twenty (20) days of the date it was returned, the filing shall relate back to the date the application was first received by the executive director. Otherwise, the date of second receipt shall be the filing date.

(3)] All pleadings shall be served upon the commissioner through LMS or, if a party is unrepresented, by paper[executive director] and shall be served upon all other parties by mailing a copy to the other parties or, if represented, to the parties[that] representative, at the party's or representative's last known address or, if agreed to, by electronic means. A certificate of service indicating the method and date of service and signed by the party shall appear on the face of the pleading. Notices of deposition and physical examination shall be served upon the parties and shall not be filed with the commissioner[executive director].

(d)[(4)] After the application for resolution has been assigned to an administrative law judge, subsequent pleadings shall include, within the style of the claim and immediately before the claim number, "Before Administrative Law Judge (name)". Upon consolidation of claims, the most recent claim number shall be listed first.

(e) 1.[(5)(a)] All documents involved in an appeal to the Workers' Compensation Board shall include the language "Before Workers' Compensation Board" before the claim number within the style of the claim.

2.[(b)] Parties shall insert the language "Appeals Branch" or "Workers' Compensation Board" on the outside of the envelope containing documents involved in an appeal.

Section 6.[4.] Motions. (1)[The party filing a motion shall tender a proposed order granting the relief requested.

(2)] The party filing a motion may file a brief memorandum supporting the motion and opposing parties may file brief memoranda in reply. Further memoranda (for example, reply to

response) shall not be filed.

(2)[(3)] Every motion and response, the grounds of which depend upon the existence of facts not in evidence, shall be supported by affidavits demonstrating the facts.

(3)[(4)] Every motion, the grounds of which depend upon the existence of facts that[which] the moving party believes are shown in the evidence or are admitted by the pleadings, shall make reference to the place in the record where that evidence or admission is found.

(4)[(5)] A response to a motion, other than to reopen pursuant to KRS 342.125 or for interlocutory relief, shall be filed within[be considered] ten (10) days after the date of the filing of a motion. The administrative law judge shall rule on the motion no later than ten (10) days after the date for the filing of the response has passed[A response shall be considered if filed on or before the tenth day after the filing of the motion].

(5)[(6)](a) A motion to reopen shall be accompanied by as many of the following items as may be applicable:

1. A current medical release Form 106 executed by the plaintiff;

2. An affidavit evidencing the grounds to support reopening;

3. A current medical report showing a change in disability established by objective medical findings;

4. A copy of the opinion and award, settlement, voluntary agreed order, or agreed resolution sought to be reopened;

5. An affidavit certifying that a previous motion to reopen has not been made by the moving party, or if one (1) has previously been made, the date on which the previous motion was filed; or

6. A designation of evidence from the original record specifically identifying the relevant items of proof that[which] are to be considered as part of the record during reopening];-or

7. A certification of service that the motion was served on all parties as well as counsel for the parties].

(b)1. The[A] designation of evidence made by a party shall list only those items of evidence from the original record that are relevant to the matters raised on reopening.

2. The burden of completeness of the record shall rest with the parties to include so much of the original record, up to and including the award or order on reopening, as is necessary to permit the administrative law judge to compare the relevant evidence that existed in the original record with all subsequent evidence submitted by the parties.

3. Except for good cause shown at the time of the filing of the designation of evidence, a party shall not designate the entire original record from the claim for which reopening is being sought.

(6)(a) The motion to reopen shall be served on all other parties consistent with the Kentucky Rules of Civil Procedure regarding service as provided under CR 4.01(a) or (b), by:

1. Registered mail or certified mail return receipt requested with instructions to the delivery postal employee to deliver to the addressee only and show the address where delivered and the date of delivery; or

2. Causing the motion to be transferred for service by any person authorized, other than as in subparagraph 1. of this paragraph, to deliver the document, who shall serve it and whose return endorsed thereon shall be proof of the time and manner of service.

(b) The motion to reopen shall contain a certification of the method of service.

1.[(c)1. A motion to reopen shall not be considered until twenty-five (25) days after the date of filing.

2.] Any response shall be filed within twenty (20) days of filing the motion to reopen.

2.[3.] A response may contain a designation of evidence specifically identifying evidence from the original record not already listed by the moving party that is relevant to matters raised in a response.

3. An administrative law judge shall rule on the motion no sooner than five (5) days and no later than fifteen (15) days after the date for the filing of the response has passed[(d) Any party may use the following forms provided by the office for motions to reopen:

1. Form MTR-1, Motion to Reopen by Employee;

2. Form MTR-3, Motion to Reopen by Defendant; and

3. Form MTR-2, Motion to Reopen KRS 342.732 Benefits].

(7) A motion for allowance of a plaintiff's attorney fee shall:

(a) Be made within thirty (30) days following the finality of the award, settlement, or agreed resolution upon which the fee request is based;

(b) Be served upon the adverse parties and the attorney's client;

(c) Set forth the fee requested and mathematical computations establishing that the request is within the limits set forth in KRS 342.320; and

(d) Be accompanied by:

1. An affidavit of counsel detailing the extent of the services rendered[and the time expended];

2. A signed and dated Form 109 as required by KRS 342.320(5); and

3. A copy of the signed and dated contingency fee contract.

(8) A motion for allowance of defendant's attorney's fee shall be:

(a) Filed within thirty (30) days following the finality of the decision; and

(b) Accompanied by an affidavit of counsel detailing:

1. The extent of the services rendered; and[the time expended];

2. The[hourly rate and] total amount to be charged[; and

3. The date upon which agreement was reached for providing the legal services].

(9) Vocational rehabilitation benefits may be requested in the initial claim filing or by subsequent motion[The following motions relating to vocational rehabilitation training provided by the office may be used by all parties:

(a) Form VRT, Petition for Vocational Rehabilitation Training; and

(b) Form WVR, Joint Motion and Agreement to Waive Vocational Rehabilitation Evaluation].

(10) If a plaintiff is deceased, a motion to substitute party and continue benefits shall be filed[on Form 11].

Section 7.[5.] Application for Resolution of a[an Injury] Claim and Response. (1) The applicant shall file an application for resolution of an injury, occupational disease, hearing loss, or interlocutory relief[a] claim through the LMS. At the time of, or within fifteen (15) days after the filing of the application, the following shall be filed[To apply for resolution of an injury claim, the applicant shall file Form 101 with the following completed documents]:

(a) Form 104, Plaintiff's Employment History[Work history (Form 104)], to include all past jobs performed on a full or part-time basis within twenty (20) years preceding the date of injury; upon written certification, supported by claimant's counsel, that claimant does not seek a total disability award, the twenty (20) year work history need not be submitted;

(b) Form 105, Plaintiff's Chronological Medical History[(Form 105)], to include all physicians, chiropractors, osteopaths, psychiatrists, psychologists, and medical facilities such as hospitals where the individual has been seen or admitted in the preceding fifteen (15) years and including beyond that date any physicians or hospitals regarding treatment for the same body part claimed to have been injured;

(c) Medical release (Form 106);

(d) One (1) medical report, which may consist of legible, handwritten notes of the treating physician, and which shall include the following:

1. A description of the injury that[which] is the basis of the claim;

2. A medical opinion establishing a causal relationship between the work-related events or the medical condition that[which] is the subject of the claim; and

3. If a psychological condition is alleged, an additional medical report establishing the presence of a mental impairment or disorder;

(e) Documentation substantiating the plaintiff's preinjury and postinjury wages; and

(f) Documentation establishing additional periods for which temporary total disability benefits are sought.

(2)(a) Following the filing of an application for resolution of claim, or the sustaining of a motion to reopen, the commissioner shall issue a Notice of Filing of Application. Within forty-five (45) days of the date of the Notice of Filing of Application, each defendant shall file a notice of claim denial or acceptance. A notice of claim denial shall not be required to be filed by any party in a claim reopened pursuant to KRS 342.125[The defendant shall file a Notice of Claim Denial or Acceptance on a Form 111 - Injury and Hearing Loss within forty-five (45) days after the notice of the scheduling order or within forty-five (45) days following an order sustaining a motion to reopen a claim].

(b) If a notice of claim denial[Form 111] is not filed, all allegations of the application shall be deemed admitted.

(c) The notice of claim denial[Form 111] shall set forth the following:

1. All pertinent matters that[which] are admitted and those that[which] are denied; and

2. If a claim is denied in whole or in part, a detailed summary of the basis for denial[;]

3. The name of each witness whose testimony may be relevant to that denial; and

4. A description of the physical requirements of the plaintiff's job at the time of the alleged injury and the name, address and telephone number of the individual responsible for gathering this information for the employer and its insurer].

(d) In the notice of claim denial[addition to the Form 111], a defendant shall if appropriate file a special answer to raise any special defenses in accordance with this paragraph. If a defendant raises the special defense under KRS 342.165, failure to comply with a safety law, administrative regulation, or rule, the defendant shall also file a completed Form SVE with the special answer and identify the safety device the employee failed to use or the lawful and reasonable order or administrative regulation of the commissioner or the employer for the safety of employees or the public which was not complied with[a copy of the law, regulation, or rule supporting the allegation].

1.[A defendant may incorporate special defenses that have been timely raised in the Form 111.

2.] A "special answer" shall be filed within:

a. The forty-five (45) days for filing the Notice of Claim Denial[Forty-five (45) days of the initial order scheduling a BRC and hearing][order]; or forty-five (45) days of the date of the order joining the defendant as a party, if joinder occurs after the filing of the application for the resolution of the claim; or

b. Ten (10) days after discovery of facts supporting the defense if discovery could not have been had earlier in the exercise of due diligence.

2.[3.] A special defense shall be waived if not timely raised.

3.[4.] A special defense shall be pleaded if the defense arises under:

a. KRS 342.035(3), unreasonable failure to follow medical advice;

b. KRS 342.165, failure to comply with safety laws;

c. KRS 342.316(7) or 342.335, false statement on employment application;

d. KRS 342.395, voluntary rejection of KRS Chapter 342;

e. KRS 342.610(3), voluntary intoxication or self-infliction of injury;

f. KRS 342.710(5), refusal to accept rehabilitation services[;or]

g. Running of periods of limitations or repose under KRS 342.185, 342.270, 342.316, or other applicable statute; or

h. "Horseplay".

(e) Within forty-five (45) days of the issuance of the Notice of Filing of Application, the parties shall file a notice of disclosure, which shall contain:

1. The names of all known witnesses and their addresses, if known, upon whom the party intends to rely except those already submitted into evidence;

2. For plaintiff, if requested by defendant, wage information and wage records for all wages earned by the plaintiff, if any, subsequent to the injury, including any wages earned as of the

date of service of the notice of disclosure while employed for any employer other than the one (1) for whom he or she was employed at the time of the injury; **Plaintiff may provide a release for the[such] information or records in lieu of providing those records;**

3. For plaintiff, a listing of each employer, address, and dates of any employment, subsequent to the injury, as well as the nature of the employment, including a description of any physical requirements of the subsequent employment;

4. For plaintiff, wage information for all wages earned, if any, for any employment for which the plaintiff was engaged concurrent to the time of the injury on a Form AWW-CON;

5. If the plaintiff alleges a safety violation by the employer, a Form SVC shall be filed;

6. For all parties, a list, with specificity, of all known and anticipated contested issues. Any subsequent addition of contested issues shall only be allowed upon motion to the ALJ establishing good cause as to why the issue could not have been listed earlier;

7.[6.] For plaintiff, all known unpaid bills to the parties, including travel for medical treatment, co-pays, or direct payments by plaintiff for medical expenses for which plaintiff seeks payment or reimbursement. Actual copies of the bills and requests for reimbursement shall not be filed but shall be served upon opposing parties if requested;

8.[7.] For each defendant, a completed Form AWW-1, Average Weekly Wage Certification, and itemization of any medical bills or medical expenses known to be disputed by the defendant, any submitted bills being considered but unpaid, and a total for all medical expenses paid as of the date application for resolution of the claim or motion to reopen is filed.

a. Actual copies of the bills and requests for reimbursement shall not be filed but shall be served upon opposing parties if requested.

b. If the plaintiff has earned wages for a defendant after the injury that is the subject of the litigation, the defendant shall provide post-injury wage information records on a Form AWW-POST.

c. Any party required to file an AWW shall include actual pay records to the extent available.

d. Upon request by plaintiff, defendant shall provide to plaintiff any statement, surveillance video, photographs, or recording of plaintiff. Further, upon plaintiff's request, and a showing of relevance, defendant shall provide the employee's employment file and OSHA history as it relates to the plaintiff's injury.

e. In a reopened claim, a Form AWW-1 shall not be required to be filed if an ALJ made a finding establishing the average weekly wage in a previous decision or if the pre-injury average weekly wage was previously stipulated by the parties unless a party seeks and is relieved from the original stipulation;**and]**

9.[8.] For a newly joined party, except for a medical provider whose treatment or bills have been contested, within forty-five (45) days of the date of the order joining the new party, a notice of disclosure in accordance with the requirements in **paragraph (e) of this subsection; and].]**

10. For[9.] each employer,[shall provide] a copy of any written job description setting out the physical requirements of the job.

(f) All parties shall amend the notice of disclosure within ten (10) days after the identification of any additional witness, or receipt of information or documents that would have been disclosed at the time of the original filing had it then been known or available. Failure to comply may result in the exclusion of the witness[Section 6. Application for Resolution of an Occupational Disease Claim and Response. (1) To apply for resolution of an occupational disease claim, the applicant shall file Form 102-0D with the following completed attachments:

(a) Work history (Form 104), to include all past jobs performed on a full or part-time basis within twenty (20) years preceding the date of last exposure and all jobs in which plaintiff alleges exposure to the hazards of the occupational disease;

(b) Medical history (Form 105), to include all physicians, chiropractors, osteopaths, psychiatrists, psychologists, and

medical facilities such as hospitals where the individual has been seen or admitted in the preceding fifteen (15) years and including beyond that date any physicians or hospitals regarding treatment for the same body part claimed to have been injured;

(c) Medical release (Form 106);

(d) One (1) medical report supporting the existence of occupational disease; and

(e) Social Security Release Form (Form 115).

(2)(a) The defendant shall file a Notice of Claim Denial or Acceptance on a Form 111-OD:

1. Within forty-five (45) days after the notice of the scheduling order; and

2. In accordance with Section 5(2)(b), (c), and (d) of this administrative regulation.

(b) In addition to the Form 111-OD, a defendant shall file a special answer to raise any special defenses in accordance with Section 5(2)(d) of this administrative regulation.

(3) For all occupational disease and hearing loss claims, the executive director shall promptly schedule an examination pursuant to KRS 342.315 and 342.316.

Section 7. Application for Resolution of a Hearing Loss Claim and Response. (1) To apply for resolution of a hearing loss claim, the applicant shall file Form 103 with the following completed documents:

(a) Work history (Form 104), to include all past jobs performed on a full or part-time basis within twenty (20) years preceding the last date of noise exposure;

(b) Medical history (Form 105), to include all physicians, chiropractors, osteopaths, psychiatrists, psychologists, and medical facilities such as hospitals where the individual has been seen or admitted in the preceding fifteen (15) years and including beyond that date any physicians or hospitals regarding treatment for hearing loss or ear complaints;

(c) Medical release (Form 106);

(d) One (1) medical report describing the hearing loss which is the basis of the claim and, if a psychological condition is alleged, an additional medical report establishing the presence of a mental impairment or disorder. Medical reports required under this paragraph may consist of legible, hand-written notes of a treating physician; and

(e) Social Security Release Form (Form 115).

(2)(a) The defendant shall file a Notice of Claim Denial or Acceptance on a Form 111 - Injury and Hearing Loss:

1. Within forty-five (45) days after the notice of the scheduling order; and

2. In accordance with Section 5(2)(b), (c), and (d) of this administrative regulation.

(b) In addition to the Form 111 - Injury and Hearing Loss, a defendant shall file a special answer to raise any special defenses in accordance with Section 5(2)(d) of this administrative regulation].

Section 8. Discovery, Evidence, and Exchange of Records. (1) Proof taking and discovery for all parties shall begin from the date **the commissioner issues[of issuance by the commissioner]**[executive director][of] the **Notice of Filing of Application**[scheduling order].

(2)(a) Plaintiff and defendants shall take proof for a period of sixty (60) days from the date of the **Notice of Filing of Application**[scheduling order];

(b) After the sixty (60) day period, defendants shall take proof for an additional thirty (30) days; and

(c) After the defendant's thirty (30) day period, the plaintiff shall take rebuttal proof for an additional fifteen (15) days.

(3) During the pendency of a claim, any party obtaining or possessing a medical or vocational report or records and relevant portions of hospital **or[,] educational[, Office of Vital Statistics, Armed Forces, Social Security, and other public]** records shall serve a copy of the report or records upon all other parties within ten (10) days following receipt of those reports or records or within ten (10) days of receipt of notice if assigned to an administrative law judge. **Defendant employer may request Social Security,**

Armed Forces, VA records, vital statistics records, and other public records upon a showing of relevance. Failure to comply with this ~~subsection~~[section] may constitute grounds for exclusion of the reports or records as evidence.

(4) All medical reports filed with the application for resolution of a claim~~[Forms 101, 102-OD, or 103]~~ shall be admitted into evidence without further order subject to the limitations of KRS 342.033 if:

(a) An objection is not filed prior to or with the filing of the notice of claim denial~~[Form 144]~~; and

(b) The medical reports comply with Section 10 of this administrative regulation.

Section 9. Vocational Reports. (1) One (1)~~[A]~~ vocational report may be filed by notice and shall be admitted into evidence without further order and without the necessity of a deposition, if an objection is not filed.

(2) Vocational reports shall be signed by the individual making the report.

(3) Vocational reports shall include, within the body of the report or as an attachment, a statement of the qualifications of the person making the report.

(4) An objection to the filing of a vocational report shall:

(a) Be filed within ten (10) days of the filing of the notice or motion for admission; and

(b) State the grounds for the objection with particularity.

(5) The filing party may file a response to the objection within ten (10) days and the administrative law judge shall rule on the objection within ten (10)~~[fifteen (15)]~~ days after the response is filed, or, if no response is filed, when the response was due to be filed.

(6) If a vocational report is admitted as direct testimony, an adverse party may depose the reporting vocational witness in a timely manner as if on cross-examination at its own expense.

Section 10. Medical Reports. (1) A party shall not introduce direct testimony from more than two (2) physicians by medical report except upon a showing of good cause and prior approval by an administrative law judge.

(2) Medical reports~~shall be~~ submitted through the LMS ~~may~~shall utilize the web form creating a Form 107 or Form 108 for electronic filing~~[on Form 107-I (injury), Form 107-P (psychological), Form 108-OD (occupational disease), Form 108-CWP (coal workers' pneumoconiosis), or Form 108-HL (hearing loss), as appropriate]~~, except~~[that]~~ an administrative law judge may permit the introduction of other reports that substantially comply with this section and do not exceed twenty-five (25) pages.

(3) Medical reports shall be signed by the physician making the report, or the notice of filing shall be considered~~[be accompanied by]~~ an affidavit from the physician or submitting party~~[or representative verifying the authenticity of the report]~~.

(4) Medical reports shall include, within the body of the report or as an attachment, a statement of qualifications of the person making the report. If the qualifications of the physician who prepared the written medical report have been filed with the ~~commissioner~~[executive director] and the physician has been assigned a medical qualifications index number, reference may be made to the physicians index number in lieu of attaching qualifications along with a listing of the physician's specialty of practice.

(5) Narratives in medical reports shall be typewritten. Other portions, including spirometric tracings, shall be clearly legible.

(6) Notices of filing or motions to file medical reports shall list the impairment rating assigned in the medical report or record in the body of the notice or motion.

(a) Upon notice, a party may file evidence from~~[the testimony of]~~ two (2) physicians in accordance with KRS 342.033, either by deposition or medical report, which shall be admitted into evidence without further order if an objection is not filed.

(b) ~~An~~ objection to the filing of a medical report shall be filed within ten (10) days of the filing of the notice or the motion for admission.

(c) Grounds for the objection shall be stated with particularity.

(d) The party seeking introduction of the medical report may

file a response within ten (10) days after the filing of the objection.

(e) The administrative law judge shall rule on the objection within ten (10)~~[fifteen (15)]~~ days of the response or the date the response is due~~[filing]~~.

(7) Medical records that are not submitted under subsection (2) of this section~~[on the appropriate web form or in a format designated by the commissioner]~~ may be submitted by notice that identifies the records, the person or medical facility that produced the records, and the relevance of the records to the claim. Records submitted in excess of twenty (20) pages shall provide an indexed table of contents generally identifying the contents of each page. Failure to provide an indexed table of contents shall result in rejection of the records, which shall not be filed or considered as evidence.

(8) If a medical report is admitted as direct testimony, an adverse party may depose the reporting physician in a timely manner as if on cross-examination at its own expense.

Section 11. Medical Evaluations Pursuant to KRS 342.315. (1) All persons claiming benefits for hearing loss or occupational disease~~[other than coal workers' pneumoconiosis]~~ shall be referred by the commissioner for a medical evaluation in accordance with contracts entered into between the ~~commissioner~~[executive director] and the University of Kentucky and University of Louisville medical schools~~[or other facility designated by the commissioner]~~.

(2) ~~In~~[Upon] all other claims~~[except coal workers' pneumoconiosis claims]~~, the ~~commissioner~~[executive director] or an administrative law judge may direct appointment by the ~~commissioner~~[executive director] of a university medical evaluator~~[or, if no university evaluator is available for an evaluation, the commissioner shall direct the appointment of an independent physician]~~.

(3) Upon referral for medical evaluation under this section, a party may tender additional relevant medical ~~treatment records and diagnostic studies~~[information] to the ~~administrative law judge or to the commissioner for determination of relevancy and submission to the evaluator~~[university medical school to whom the evaluation is assigned]. The administrative law judge or the commissioner shall provide notice to the parties of the material submitted to the evaluator. This additional information shall not be filed of record. The additional medical information shall be:

(a) Submitted to the ~~administrative law judge or to the commissioner~~[university] within fourteen (14) days following an order for medical evaluation pursuant to KRS 342.315 or KRS 342.316;

(b)~~[Submitted by way of medical reports, notes, or depositions;~~

(c)~~[Clearly legible;~~

(d)~~[Indexed;~~

(e)~~[Furnished in chronological order;~~

(f)~~[Timely furnished to all other parties within ten (10) days following receipt of the medical information; and~~

(g)~~[Accompanied by a summary that is filed of record and served upon all parties. The summary shall:~~

1. Identify the medical provider;

2. Include the date of medical services; and

3. Include the nature of medical services provided.

(4) Upon the scheduling of an evaluation, the ~~commissioner~~[executive director] shall provide notice to all parties and the employer shall forward to the plaintiff necessary travel expenses as required by KRS 342.315(4). Upon completion of the evaluation, the ~~commissioner~~[executive director] shall provide copies of the report to all parties and shall file the original report in the claim record to be considered as evidence.

(5) The administrative law judge shall allow timely cross-examination of a medical evaluator appointed by the ~~commissioner~~[executive director] at the expense of the moving party.

(6) Unjustified failure by the plaintiff to attend the scheduled medical evaluation may be grounds for dismissal, payment of a no-show fee, suspension of the claim pursuant to KRS 342.205(3), sanctions, or any combination of these penalties, unless good cause is shown for the failure~~[all of the above]~~.

(7) Failure by the employer or its insurance carrier to pay travel expenses within seven (7) working days prior to the [of notification of a] scheduled medical evaluation or to pay the cost of the exam within thirty (30) days of the receipt of a statement of charges for the exam may result in [be grounds for imposition of] sanctions, payment of failure to appear charges, or unfair claims practice penalties unless good cause is shown for the failure or delay.

Section 12. Interlocutory Relief. (1) A party may seek interlocutory relief at the time of the initial claim application or by motion requesting:

(a) Interim payment of income benefits for total disability pursuant to KRS 342.730(1)(a);

(b) Medical benefits pursuant to KRS 342.020; or

(c) Rehabilitation services pursuant to KRS 342.710.

(2) If interlocutory relief is requested prior to or at the time the application for resolution of claim is filed, the commissioner shall issue an order allowing the responding party twenty (20) days to respond to the request.

(a) Upon receipt of the response, the commissioner shall assign the claim to an ALJ for resolution of the request for interlocutory relief.

(b) The ALJ to whom the interlocutory relief request is assigned may schedule a hearing to be held within thirty-five (35) days of the order assigning the claim for resolution.

(c) The ALJ shall issue a decision regarding interlocutory relief within twenty (20) days after the date of the hearing.

(d) If no hearing is held, the ALJ shall issue a decision within twenty (20) days after the date the response is filed, or twenty (20) days after the date the response is due if no response is filed.

(e) If the request for interlocutory relief is denied, the claim shall be referred to the commissioner for reassignment of the claim for resolution by another ALJ.

(f) If the request for interlocutory relief for income benefits is granted, the claim shall be placed in abeyance. The plaintiff shall provide a status report every sixty (60) days, or sooner if circumstances warrant or upon order by the ALJ, updating his or her current status. Upon motion and a showing of cause, or upon the ALJ's own motion, interlocutory relief shall be terminated and the claim removed from abeyance. Failure to file a timely status report may[shall] constitute cause to terminate interlocutory relief. **Interlocutory relief, once awarded, shall continue until the ALJ issues an order of termination of interlocutory relief.** The order terminating interlocutory relief shall also contain a provision for referral to the commissioner for reassignment of the claim for resolution by another ALJ.

(3)(a) If a motion for interlocutory relief is filed after the claim is assigned to an ALJ, he or she shall within ten (10) days issue an order[;

1.] requiring a response to the request for interlocutory relief be served within twenty (20) days from the date of the order, and refer it to the commissioner for assignment to an ALJ for the sole purpose of considering the request for interlocutory relief.]; and/

(b)[2.] Upon receipt of the response, the ALJ may schedule a hearing to be held within thirty-five (35) days of receipt of the response[If necessary, setting a hearing within thirty-five (35) days of the order. The hearing may be held telephonically, by video, or by other electronic means, if the parties agree or a party demonstrates good cause as to why the party cannot appear at the hearing in person. The hearing may be waived by agreement]. The hearing may be held telephonically, by video, or by other electronic means, if the parties agree or a party demonstrates good cause as to why the party cannot appear at the hearing in person.

(c)[(b)] Upon completion of the hearing, an ALJ shall issue a decision within twenty (20) days.

(d)[(c)] If the hearing is waived, an ALJ shall issue a decision within twenty (20) days after the date the response is filed, or twenty (20) days after the response is due if no response is filed[of agreed waiver].

(4)(a) Entitlement to interlocutory relief shall be established by means of affidavit, deposition, hearing testimony, or other means of record demonstrating the requesting party:

1. Is eligible under KRS Chapter 342;

2. Will suffer immediate and irreparable injury, loss, or damage pending a final decision on the application; and

3. Is likely to succeed on the merits based upon the evidence introduced by the parties.

(b) Rehabilitation services may be ordered while the claim is pending upon a showing that immediate provision of services will substantially increase the probability that the plaintiff will return to work.

(5) Benefits awarded pursuant to an interlocutory order shall not be terminated except upon entry of an order issued by an administrative law judge. Failure to pay benefits under an interlocutory order or termination of benefits ordered pursuant to an interlocutory order without prior approval of the ALJ shall constitute grounds for a violation of the Unfair Claims Settlement Practices Act at KRS 342.267, and for sanctions pursuant to KRS 342.310 and Section 26 of this administrative regulation, unless good cause is shown for failure to do so.

(6)[If a claimant is successful in his or her request for interlocutory relief, and if payment of benefits pursuant to the interlocutory relief order results in an overpayment of benefits, the party making the overpayment shall be entitled to a dollar-for-dollar credit for the overpayment against past due or future awarded income benefits.

(7) If interlocutory relief is requested in the application for benefits, an assignment to an ALJ shall not be made on other issues and a scheduling order shall not be issued until a ruling has been made on the interlocutory relief request, unless the requesting party shows that delay will result in irreparable harm.

(7)[(8)] During a claim, a party may seek interlocutory relief through:

(a) Interim payment of income benefits for total disability pursuant to KRS 342.730(1)(a);

(b) Medical benefits pursuant to KRS 342.020; or

(c) Rehabilitation services pursuant to KRS 342.710.

(2) Upon motion of any party, an informal conference:

(a) Shall be held to review the plaintiff's entitlement to interlocutory relief; and

(b) May be held telephonically.

(3) Any response to a request for interlocutory relief shall be served within twenty (20) days from the date of the request and thereafter, the request shall be ripe for a decision.

(4)(a) Entitlement to interlocutory relief shall be shown by means of affidavit, deposition, or other evidence of record demonstrating the requesting party:

1. Is eligible under KRS Chapter 342; and

2. Will suffer irreparable injury, loss or damage pending a final decision on the application.

(b) Rehabilitation services may be ordered while the claim is pending upon showing that immediate provision of services will substantially increase the probability that the plaintiff will return to work.

(5) If interlocutory relief is awarded in the form of income benefits, the application shall be placed in abeyance unless a party shows irreparable harm will result. The administrative law judge may require periodic reports as to the physical condition of the plaintiff. Upon motion and a showing of cause, or upon the administrative law judge's own motion, interlocutory relief shall be terminated and the claim removed from abeyance.

(6) An attorney's fee in the amounts authorized by KRS 342.320 that does not exceed twenty (20) percent of the weekly income benefits awarded pursuant to a request for interlocutory relief may be granted. The approved fee shall be deducted in equal amounts from the weekly income benefits awarded and shall be paid directly to the attorney.

[(7) A party seeking interlocutory relief may use the following forms:

(a) Motion for Interlocutory Relief, Form MIR-1;

(b) Affidavit for Payment of Medical Expenses, Form MIR-2;

(c) Affidavit for Payment of Temporary Total Disability, Form MIR-3; and

(d) Affidavit Regarding Rehabilitation Services, Form MIR-4.]

Section 13. Benefit Review Conferences. (1) The purpose of the BRC[benefit review conference] shall be to expedite the processing of the claim and to avoid if possible the need for a hearing.

(2) The BRC[benefit review conference] shall be an informal proceeding.

(3) The date, time, and place for the BRC[benefit review conference] shall be stated on the Notice of Filing of Application[scheduling order] issued by the commissioner[executive director].

(4) The plaintiff and his or her representative, the defendant or its representative, and the representatives of all other parties shall attend the BRC[benefit review conference].

(5) If the defendant is insured or a qualified self-insured, a representative of the carrier with settlement authority shall be present or available by telephone during the BRC[benefit review conference]. Failure to comply with this provision may result in the imposition of sanctions.

(6) The administrative law judge may upon motion waive the plaintiff's attendance at the BRC[benefit review conference] for good cause shown.

(7) A transcript of the BRC[benefit review conference] shall not be made.

(8) Representatives of all parties shall have authority to resolve disputed issues and settle the claim at the BRC[benefit review conference].

(9)(a)[The defendant shall provide a completed Form AWW-1, Average Weekly Wage Certification.

(b)] The plaintiff shall bring to the BRC copies of known unpaid medical bills not previously provided and documentation of out-of-pocket expenses including travel for medical treatments. Absent a showing of good cause, failure to do so may constitute a waiver to claim payment for those bills.

(b)(c)] Each defendant shall bring copies of known[disputed] medical bills not previously provided and medical expenses presented to them, their insurer or representative known to be unpaid or disputed including travel expenses. Absent a showing of good cause, failure to do so may constitute a waiver to challenge those bills.

(10)[Ten (10) days before the benefit review conference, the parties shall exchange final stipulations and lists of known witnesses and exhibits that:

- (a) Name each proposed witness;
- (b) Summarize the anticipated testimony of each witness;
- (c) For medical witnesses, include in the summary:
 - 1. The diagnosis reached;
 - 2. Clinical findings and results of diagnostic studies upon which the diagnosis is based;
 - 3. The functional impairment rating assessed by the witness;

and

- 4. A description of any work-related restrictions imposed; and
- (d) Identify any exhibits.

(11) At the benefit review conference, the parties shall:

- (a) Attempt to resolve controversies and disputed issues;
- (b) Narrow and define disputed issues; and
- (c) Facilitate a prompt settlement.

(12)] A party seeking postponement of a BRC[benefit review conference] shall file a motion at least fifteen (15) days prior to the date of the conference and shall demonstrate good cause for the postponement.

(11)(13)] If at the conclusion of the BRC[benefit review conference] the parties have not reached agreement on all the issues, the administrative law judge shall:

(a) Prepare a final BRC memorandum and order including stipulations and identification of all issues, which shall be signed by all parties or if represented, their counsel, and the administrative law judge[Prepare a summary stipulation of all contested and uncontested issues which shall be signed by representatives of the parties and by the administrative law judge]; and

(b) Schedule a final hearing.

(12)(14)] Only contested issues shall be the subject of further proceedings.

(13)(15)] Upon motion with good cause shown, the

administrative law judge may order that additional discovery or proof be taken between the BRC[benefit review conference] and the date of the hearing and may limit the number of witnesses to be presented at the hearing.

Section 14. Evidence - Rules Applicable. (1) The Rules of Evidence prescribed by the Kentucky Supreme Court shall apply in all proceedings before an administrative law judge except as varied by specific statute and this administrative regulation.

(2)(a) Any party may file as evidence before the administrative law judge pertinent material and relevant portions of:

1. Hospital records, which shall be limited to emergency room records, history, physical and discharge summary, operative notes, and reports of specialized testing; and

2.[.] Educational, Office of Vital Statistics, Armed Forces, Social Security, and other public records.

(b) An opinion of a physician that[which] is expressed in these records shall not be considered by an administrative law judge in violation of the limitation on the number of physician's opinions established in KRS 342.033.

(c) If the records or reports submitted exceed twenty (20)[twenty-five (25)] pages, the party attempting to file those records or reports into evidence shall include an indexed table of contents generally identifying the contents.

(d) An appropriate release shall be included to permit opposing parties the ability to obtain complete copies of the records.

Section 15. Extensions of Proof Time. (1) An extension of time for producing evidence may be granted upon showing of circumstances that prevent timely introduction.

(2) A motion for extension of time shall be filed no later than five (5) days before the deadline sought to be extended.

(3) The motion or supporting affidavits shall set forth:

- (a) The efforts to produce the evidence in a timely manner;
- (b) Facts which prevented timely production; and
- (c) The date of availability of the evidence, the probability of its production, and the materiality of the evidence.

(4) In the absence of compelling circumstances, only one (1) extension of thirty (30) days shall be granted to each side for completion of discovery or proof by deposition.

(5) The granting of an extension of time for completion of discovery or proof shall:

- (a) Enlarge the time to all:
 - 1. Plaintiffs if the extension is granted to a plaintiff; and
 - 2. Defendants if an extension is granted to a defendant;[and]
- (b) Extend the time of the adverse party automatically except if the extension is for rebuttal proof; and
- (c) Be limited to the introduction of evidence cited as the basis for the requested extension of time.

Section 16. Stipulation of Facts. (1) Refusal to stipulate facts that[which] are not genuinely in issue shall warrant imposition of sanctions as established in Section 26[24] of this administrative regulation. An assertion that a party has not had sufficient opportunity to ascertain relevant facts shall not be considered "good cause" in the absence of due diligence.

(2) Upon cause shown, a party may be relieved of a stipulation if the motion for relief is filed at least ten (10) days prior to the date of the hearing, or as soon as practicable after discovery that the stipulation was erroneous.

(3) Upon granting relief from a stipulation, the administrative law judge may grant a continuance of the hearing and additional proof time.

Section 17. Discovery and Depositions. (1) Discovery and the taking of depositions shall be in accordance with the provisions of Kentucky[Civil] Rules of Civil Procedure 26 to 37,[inclusive,] except for[Civil] Rules 27, 33, and 36, which shall not apply to practice before the administrative law judges or the board.

(2) Depositions may be taken by telephone if the reporter administering the oath to the witness and reporting the deposition is physically present with the witness at the time the deposition is given. Notice of a telephonic deposition shall relate the following

information:

(a) That the deposition is to be taken by telephone;
(b) The address and telephone number from which the call will be placed to the witness;

(c) The address and telephone number of the place where the witness will answer the deposition call; and

(d) Whether opposing parties may participate in the deposition either at the place where the deposition is being given, at the place the telephone call is placed to the witness, or by conference call. If a party elects to participate by conference call, that party shall contribute proportionate costs of the conference call.

(3) A party seeking a subpoena from an ALJ shall prepare a subpoena or subpoena duces tecum, and provide it to the ALJ to whom the case is assigned, or if no assignment has been made then it shall be sent to the chief administrative law judge. Except for good cause shown, a subpoena shall be requested a minimum of ten (10) days prior to the date of the appearance being requested. A motion shall not be filed. A subpoena shall be served in accordance with Kentucky Rules of Civil Procedure 5.02, 45.03, or 45.05, whichever is applicable.

(4) The commissioner~~[executive director]~~ shall establish a medical qualifications index.

(a) An index number shall be assigned to a physician upon the filing of the physician's qualifications.

(b) Any physician who has been assigned an index number may offer the assigned number in lieu of stating qualifications.

(c) Qualifications shall be revised or updated by submitting revisions to the commissioner~~[executive director]~~.

(d) A party may inquire further into the qualifications of a physician.

(e) If the physician's qualifications have not previously been filed into the index maintained by the commissioner, the filing party shall provide sufficient information containing the physician's qualifications, and request the physician be included in the index and a number issued.

(5) Discovery requests and responses to the requests shall not be submitted into the record.

Section 18. Informal Conference. Prior to the hearing, the ALJ may conduct an informal conference either at a hearing site, telephonically, or by other electronic means to inquire about remaining contested issues, and who will testify at the hearing.

Section 19.~~[48.]~~ Hearings. (1) At the hearing, the parties shall present proof concerning contested issues. If the plaintiff or plaintiff's counsel fails to appear, the administrative law judge may dismiss the case for want of prosecution, or if good cause is shown, the hearing may be continued.

(2) At the conclusion of the hearing, the administrative law judge may hold oral arguments, order~~[f.]~~ briefs, or proceed to final decision~~[claim shall be taken under submission immediately or briefs may be ordered]~~.

(3) Briefs shall not exceed fifteen (15) pages in length. Reply briefs shall be limited to five (5) pages. Permission to increase the length of a brief shall be sought by motion.

(4) The administrative law judge may announce his decision at the conclusion of the hearing or shall defer decision until rendering a written opinion.

(5) A decision shall be rendered no later than sixty (60) days following the hearing.

(6) The time of filing a petition for reconsideration or notice of appeal shall not begin to run until after the "[date of filing]" of the written opinion.

(7) An opinion or other final order of an administrative law judge shall not be deemed final until the administrative law judge opinion is entered into LMS, or, if mailed, by certificate of service from the Office of the ALJ or Department of Workers' Claims with~~[has-certified-that]~~ a certification that~~[of]~~ mailing was sent to:

(a) An attorney who has entered an appearance for a party; or

(b) The party if an attorney has not entered an appearance.

(8) The parties with approval of the administrative law judge may waive a final hearing. Waiver of a final hearing shall require agreement of all parties and the administrative law judge. The

claim shall be taken under submission as of the date of the order allowing the waiver of hearing. A decision shall be rendered no later than sixty (60) days following the date of the order allowing the waiver of hearing.

Section 20.~~[49.]~~ Petitions for Reconsideration. (1) If applicable, a party shall file a petition for reconsideration within fourteen (14) days of the filing of a decision~~[final]~~ order, or award of an administrative law judge and~~[.]~~ clearly state~~[stating]~~ the patent error~~[that]~~~~[which]~~ the petitioner seeks to have corrected and setting forth the authorities upon which petitioner relies. The party filing the petition for reconsideration shall tender a proposed order granting the relief requested.

(2) A response shall be served within ten (10) days after the date of filing of the petition.

(3) The administrative law judge shall act upon the petition within ten (10) days after the response is due.

Section 21. Settlements. (1) Unless the settlement agreement is completed and tendered to the ALJ for immediate approval at the BRC, informal conference, or hearing, or unless the ALJ orders otherwise, the party drafting the settlement agreement shall provide the signed original to the adverse party no later than fifteen (15) days after the date the parties agree to settle. The agreement shall be signed by all parties and tendered to the ALJ for approval no later than thirty (30) days after the date the parties agreed to settle absent a showing of good cause.

(2) Payment shall be made within **twenty-one (21) calendar [thirty (30)]** days after the date of the order approving settlement. Payment for settlements and past due benefits shall be mailed to the last known address of plaintiff's counsel, if represented.

(3) Failure to satisfy the time requirements in subsection (2) of this section, if the defendant or defendant's counsel is primarily at fault, unless solely the fault of the claimant or claimant's counsel may result in the addition of twelve (12) percent interest per annum on all benefits agreed upon in the settlement for any period of delay beyond the time prescribed in subsection (2) of this section.

(4) Parties who settle future periodic payments in a lump sum shall use the discount factor computed in accordance with KRS 342.265(3).

(5) Parties who reach an agreement pursuant to KRS 342.265 shall file the agreement on the applicable form as listed in this subsection and, if not filed electronically, that form shall include the original signatures of the parties:

(a) Form 110-F, Agreement as to Compensation and Order Approving Settlement- Fatality; or

(b) Form 110, Agreement as to Compensation and Order Approving Settlement.

(6) A settlement agreement that contains information or provisions that are outside the provisions and purview of KRS Chapter 342 shall not be approved and shall be returned to the parties~~[20. Benefit Calculations for Settlements. (1) For computing lump sum settlements, the employer shall utilize the prescribed discount rate for its weeks of liability only, not for the entire award period. A discount shall not be taken on past due benefits by the employer or Special Fund. Lump sum settlements shall be calculated as follows:~~

(a) Determine the entire lump sum liability:

1. Compute the remaining weeks of liability in the award by subtracting the number of weeks past due from the entire number of weeks in the award;

2. Discount the number of weeks remaining in the award at the prescribed discount rate;

3. Multiply the weekly benefit rate by the discounted number of weeks remaining (subparagraph 2 of this paragraph) in the award. This product shall equal the entire future lump sum liability for the award; and

4. Add the amount of past due benefits to the future lump sum liability award (subparagraph 3 of this paragraph). The sum shall represent the entire lump sum value of the award.

(b) Determine the employer's lump sum liability as follows:

1. The employer's future liability shall be computed by

determining its total weeks of liability less the number of weeks of liability past due.

2. The number of weeks remaining shall be discounted at the prescribed discount rate and multiplied by the amount of the weekly benefit.

3. Multiply the number of past due weeks by the amount of the weekly benefit.

4. The employer's entire liability for a lump sum payment shall be determined by adding the results of subparagraphs 2 and 3 of this paragraph.

(c) Determine the Special Fund's portion of the lump sum liability by subtracting the value of the employer's liability in lump sum (paragraph (b) of this subsection) from the entire value of the lump sum settlement (paragraph (a) of this subsection). The remainder shall be the Special Fund's lump sum liability.

(2) If the employer settles its liability for income benefits with the employee for a lump sum payment and a determination is made of the Special Fund's liability, the Special Fund's portion of income benefits shall be paid commencing with the date of approval of the employer's settlement and continuing for the balance of the compensable period.

(3) In computing settlements involving periodic payments, the employer shall pay its liability over the initial portion of the award, based on the number of weeks its liability bears to the entire liability for the claim. The Special Fund shall make all remaining payments for the balance of the compensable period.

(4) Pursuant to KRS 342.265, election by the Special Fund to settle on the same terms as the employer shall mean the Special Fund agrees to settle in the same manner as the employer in either a discounted lump sum or in periodic payments based upon its proportionate share of the permanent disability percentage paid by the employer. "Same terms" shall not include any additional payments the employer included for buy out of medical expenses, temporary total disability, rehabilitation, or other benefits for which the Special Fund is not liable.

(5) Parties involved in a lump sum settlement of future periodic payments shall use the discount factor computed in accordance with KRS 342.265(3).

(6) Parties who reach an agreement pursuant to KRS 342.265 shall file the agreement on the applicable form as listed below:

(a) Form 110-F, Agreement as to Compensation and Order Approving Settlement - Fatality;

(b) Form 110-I, Agreement as to Compensation and Order Approving Settlement - Injury;

(c) Form 110-O, Agreement as to Compensation and Order Approving Settlement - Occupational Disease; or

(d) Form 110-CWP, Agreement as to Compensation and Order Approving Settlement - Coal Workers' Pneumoconiosis].

Section 22.[21.] Review of Administrative Law Judge Decisions. (1) General.

(a) Pursuant to KRS 342.285(1), decisions of administrative law judges shall be subject to review by the Workers' Compensation Board in accordance with the procedures set out in this administrative regulation.

(b) Parties shall insert the language "Appeals Branch" or "Workers' Compensation Board" on the outside of an envelope containing documents filed in an appeal to the board.

(2) Time and format of notice of appeal.

(a) Within thirty (30) days of the date a final award, order, or decision rendered by an administrative law judge pursuant to KRS 342.275(2) is filed, any party aggrieved by that award, order, or decision may file a notice of appeal to the Workers' Compensation Board.

(b) As used in this section, a final award, order, or decision shall be determined in accordance with Civil Rule 54.02(1) and (2).

(c) The notice of appeal shall:

1. Denote the appealing party as the petitioner;

2. Denote all parties against whom the appeal is taken as respondents;

3. Name the administrative law judge who rendered the award, order, or decision appealed from as a respondent;

4. If appropriate pursuant to KRS 342.120 or 342.1242, name

the director of the Division of Workers' Compensation Funds as a respondent;[and]

5. Include the claim number; and

6. State the date of the final award, order, or decision appealed.

(d) Cross-appeal.

1. Any party may file a cross-appeal through notice of cross-appeal filed within ten (10) days after the notice of appeal is served.

2. A cross-appeal shall designate the parties as stated in the notice of appeal.

(e) Failure to file the notice within the time allowed shall require dismissal of the appeal.

[(f) The executive director shall issue an acknowledgement to all parties of the filing of a notice of appeal or cross-appeal.]

(3)[Number of copies and] Format of petitioner's brief.

(a)[The] Petitioner's brief shall be filed within thirty (30) days of the filing of the notice of appeal.

(b)[An original and two (2) copies of the] Petitioner's brief shall be filed with the commissioner[Executive Director] of the Department[Office] of Workers' Claims.

(c) The petitioner's brief shall conform in all respects to Civil Rule 7.02(4).

(4) Petitioner's brief. The petitioner's brief shall designate the parties as petitioner (or petitioners) and respondent (or respondents) and shall be drafted in the[following] manner established in this subsection.[-]

(a)1. The name of each petitioner and each respondent shall be included in the brief.

2. The petitioner shall specifically designate as respondents all adverse parties.

3. The administrative law judge who rendered the award, order, or decision appealed from shall be named as a respondent.

(b) The workers' compensation claim number, or numbers, shall be set forth in all pleadings before the Workers' Compensation Board.

(c) The petitioner's brief shall state the date of entry of the final award, order, or decision by the administrative law judge.

(d) The petitioner's brief shall state whether any matters remain in litigation between the parties in any forum or court other than those for which an appeal is being sought.

(e) The petitioner's brief shall include a statement of the "Need for Oral Argument", designating whether the party requests an argument to be heard orally before the board and, if so, a brief statement setting out the reason or reasons for the request.

(f) The petitioner's brief shall include a "Statement of Benefits Pending Review", which shall set forth whether the benefits designated to be paid by the award, order, or decision for which review is being sought have been instituted pursuant to KRS 342.300.

(g) The organization and contents of the petitioner's brief for review shall be as established in this paragraph. [follows:]

1. A brief "Introduction" shall indicate the nature of the case.

2. A "Statement of Points and Authorities" shall set forth, succinctly and in the order in which they are discussed in the body of the argument, the petitioner's contentions with respect to each issue of law on which he relies for a reversal, listing under each the authority cited on that point and the respective pages of the brief on which the argument appears and on which the authorities are cited. This requirement may be eliminated for briefs of five (5) or less pages.

3. A "Statement of the Case" shall consist of a chronological summary of the facts and procedural events necessary to an understanding of the issues presented by the appeal, with ample reference to the specific pages of the record supporting each of the statements narrated in the summary.

4. An "Argument" shall:

a. Conform with the statement of points and authorities, with ample supportive references to the record and citations of authority pertinent to each issue of law; and

b. Contain, at the beginning of the argument, a statement with reference to the record showing whether the issue was properly preserved for review and, if so, in what manner.

5. A "Conclusion" shall set forth the specific relief sought from the board.

6. An "Appendix" shall contain:

a. ~~Copies of the final award, order, or decision of the administrative law judge from which review is being sought;~~

b. ~~Any petitions for reconsideration filed by the parties pursuant to KRS 342.284;~~

c. ~~The administrative law judge's order addressing any petitions for reconsideration;~~

d. ~~Copies of cases cited from federal courts and foreign jurisdictions, if any, upon which reliance is made; and~~

e. ~~Copies of prior board opinions in accordance with subsection (10)(9) of this section.~~

7. Civil Rule 76.28(4)(c) shall govern the use of unpublished opinions of the Court of Appeals or Supreme Court.

(5) Respondent's brief, combined brief, or cross-petitioner's brief.

(a) Each respondent shall file an original ~~and two (2) copies of~~ a brief, or combined brief if cross-petition or cross-petitioner's brief, within thirty (30) days of the date on which the petitioner's brief was filed with the ~~commissioner~~ Executive Director of the ~~Department~~ Office of Workers' Claims.

(b) ~~The~~ Respondent's brief shall include a statement of the "Need for Oral Argument" similar to the statement required of the petitioner by subsection (4)(e) of this section.

(c) The respondent's brief shall include a "Statement of Benefits Pending Review" similar to the statement required of the petitioner by subsection (4)(f) of this section.

(d) Respondent's counter-argument shall follow the organization and content of the petitioner's brief as set forth in subsection (4)(g) of this section.

(6) Reply brief.

(a) If applicable, the petitioner may file a reply brief within ten (10) days after the date on which the respondent's brief was served or due, whichever is earlier.

(b) The organization and contents of the reply brief shall be as provided in Civil Rule 76.12(4)(e), except that an index or contents page shall not be required.

(c) If a cross-appeal has been filed, the cross-petitioner's reply brief may be served within ten (10) days after the date on which the last cross-respondent's brief was served or due, whichever is earlier.

(7) Certification. The petitioner's brief, respondent's brief, and reply brief shall be signed by each party or his counsel and that signature shall constitute a certification that the statements contained in the document are true and made in good faith, or if not filed through LMS, bear an original signature of each party or his counsel with a written certification the statements contained in the document are true and made in good faith, and that service has been made upon opposing parties with identification of the manner of service.

(8) Service of notice of appeal, cross-appeal, petitioner's brief, respondent's brief, and reply briefs on adverse parties.

(a) Before filing a notice of appeal, cross-appeal, or any brief with the ~~commissioner~~ Executive Director of the ~~Department~~ Office of Workers' Claims, a party shall serve, in the manner provided by Civil Rule 5.02, or electronically as set forth in this administrative regulation, a copy of the document on each adverse party.

(b) Every brief filed in an appeal to the Workers' Compensation Board shall bear, on the front cover, a signed statement, in accordance with Civil Rule 5.03 by the attorney or party that service has been made in conformity to this administrative regulation ~~as required by paragraph (a) of this subsection~~. The statement shall identify by name each person served.

(c) The name of each attorney, or an unrepresented party, submitting a document to the Workers' Compensation Board along with a current address, email address, and telephone number shall appear following its "conclusion".

(d) If the respondent is also a cross-petitioner, the respondent may file a combined brief or separate cross-petitioner's brief that ~~which~~ shall address issues raised by the cross-appeal.

(e) If a separate cross-petitioner's brief is filed, the format shall

be the same as a respondent's brief.

9) Except for good cause shown, any motion for extension of time to file a brief shall be filed not later than five (5) days prior to the date the brief is due.

(10) Form of citations.

(a) All citations ~~to~~ of Kentucky statutes and reported decisions of the Court of Appeals and Supreme Court shall conform to the requirements of Civil Rule 76.12(4)(g).

(b) All citations ~~to~~ of Kentucky unpublished decisions shall conform to the requirements of Civil Rule 76.28(4)(c).

(c) Citations ~~to~~ for prior decisions of the board shall include the style of the case, the appropriate claim or case number, and the date the decision was rendered.

(11) ~~(10)~~ Number of Pages.

(a) The petitioner's brief and the respondent's brief shall be limited to twenty (20) total pages, including those items required by this section ~~each~~. The appendix shall not count against the page limit.

(b) Reply briefs shall be limited to five (5) pages.

(c) Combined briefs shall be limited to twenty-five (25) total pages, including those items required by this section. The appendix shall not count against the page limit.

(d) The parties shall make every effort to comply with the above page limitations.

(e) Permission to increase the length of a brief shall be sought by motion, but shall only be granted upon a showing of good cause.

(12) ~~(11)~~ Sanctions. Failure of a party to file a brief conforming to the requirements of this administrative regulation or failure of a party to timely file a response may be grounds for the imposition of one (1) or more of the following sanctions:

(a) Affirmation or reversal of the final order;

(b) Rejection of a brief that does not conform as to organization or content, with leave to refile in proper form within ten (10) days of the date returned. If timely refile occurs, the filing shall date back to the date of the original filing;

(c) Striking of an untimely response;

(d) A fine of not more than \$500; or

(e) Dismissal.

(13) ~~(12)~~ Motions.

(a) ~~A~~ Except for a brief, motion, response, or objection ~~pleading~~ shall ~~require the original to~~ be filed with the ~~commissioner~~ Executive Director of the ~~Department~~ Office of Workers' Claims in accordance with Section 3 of this administrative regulation, and shall bear the designation of Appeals Branch or Workers' Compensation Board.

(b) The style of the case, including the claim number and title of the motion or pleading, shall appear on the first page of the motion or pleading.

(c) The party filing a motion may file a brief memorandum supporting the motion and opposing parties may file brief memoranda in response. To be considered, a response shall be filed within ten (10) days of the motion. Further responses shall not be filed.

(d) Every motion and response, the grounds of which depend upon the existence of facts not in evidence, shall be supported by affidavits demonstrating those facts.

(e) Every motion and response, the grounds of which depend upon the existence of facts that ~~which~~ the moving or responding party believes are shown in the evidence or are admitted by the pleadings, shall make reference to the place in the record where that evidence or admission is found.

(f) Before filing a motion or pleading with the ~~commissioner~~ executive director of the ~~Department~~ Office of Workers' Claims, a party shall serve, in the manner provided by Civil Rule 5.02 or as set forth in this administrative regulation, a copy of the document on each adverse party.

(g) The filing of a motion to dismiss an appeal shall stay the remaining time for the filing of a responsive pleading. If the petitioner's brief has been previously filed and a motion to dismiss has been overruled, the respondent shall have fifteen (15) days from the order to file a respondent's brief.

(h) Except for motions that call for final disposition of an appeal, any board member designated by the chairman may

dispose of a motion. An intermediate order may be issued on the signature of any board member.

~~(14)~~~~(13)~~ Oral arguments.

(a) Upon motion of a party or within its discretion~~upon the board's own motion~~, the board may order an oral argument on the merits in a case appealed from a decision, award, or order of an administrative law judge.

(b) Oral arguments shall occur on a date and at a time and location specified by the board.

(c) Appeals designated for oral argument shall be held in abeyance and all subsequent appeal time in the case shall be calculated from the date of the oral argument.

~~(15)~~~~(14)~~ Continuation of benefits pending appeal.

(a) Benefits awarded by an administrative law judge ~~that~~~~[which]~~ are not contested shall be paid during the pendency of an appeal. A motion requesting the payment of these benefits shall not be required. Uncontested benefits shall include income benefits at an amount lesser than what was awarded if the issue on appeal addresses the amount of benefits to be awarded as opposed to the entitlement to income benefits.

(b) Upon the motion of a party pursuant to KRS 342.300, the board may order payment of benefits pending appeal in conformity with the award, decision, or order appealed from.

(c) Entitlement to relief pursuant to KRS 342.300 shall be granted upon motion establishing~~that~~:

1. The probability of the existence in fact of:

a. Financial loss;

b. Privation, suffering, or adversity resulting from insufficient income; or

c. Detriment to the moving party's property or health if payment of benefits is not instituted; and

2. That there exists a reasonable likelihood that the moving party will prevail on appeal.

(d) Any response to a motion for continuation of an award pending appeal shall be served within ten (10) days from the date of the request and, thereafter, the request shall be ripe for a decision.

(e) Entitlement to relief by the moving party and responses shall be shown by:

1. Affidavit if the grounds for the motion or response depend upon the existence of facts not in evidence; or

2. Supporting memorandum citing to evidence existing within the record and making reference to the place in the record where that evidence is found.

~~(16)~~~~(15)~~ Decisions.

(a) The board shall:

1. Enter its decision affirming, modifying, or setting aside the order appealed from; or

2. Remand the claim to an administrative law judge for further proceedings.

(b) Motions for reconsideration shall not be permitted.

(c) The decision of the administrative law judge shall be affirmed if:

1. A board member is unable to sit on a decision; and

2. The remaining two (2) board members cannot reach an agreement on a final disposition.

~~(17)~~~~(16)~~ Appeal from board decisions. If applicable, pursuant to KRS 342.290, the decision of the board shall be appealed to the Kentucky Court of Appeals as provided in Civil Rule 76.25.

(18) If the parties agree to settle a claim while it is on appeal to the board, the original agreement signed by all parties, along with a motion to place the appeal in abeyance and to remand to the ALJ, shall be filed. An action shall not be taken by an ALJ until an order is issued by the board holding the appeal in abeyance, and remanding the claim to the ALJ for approval of the settlement agreement. Once the settlement agreement is approved, the appeal shall be removed from abeyance, and dismissed if all issues on appeal have been resolved. If issues remain for decision subsequent to the approval of the settlement agreement, the board shall remove the appeal from abeyance and establish a briefing schedule.

Section 23.~~[22]~~ Coverage - Insured Status. Upon the filing of

an application for resolution of claim, the ~~commissioner~~~~[executive director]~~ shall ascertain whether the employer or any other person against whom a claim is filed and who is not exempted by KRS 342.650 has secured payment of compensation by obtaining insurance coverage or qualifying as a self-insurer pursuant to KRS 342.340. If an employer does not have insurance coverage or qualify as a self-insurer, the ~~commissioner~~~~[executive director]~~ shall notify the administrative law judge and all parties by service of a certification of no coverage.

Section 24.~~[23]~~ Withdrawal of Records and Disposition of Exhibits.

(1) A portion of any original record of the office shall not be withdrawn except upon an order of the ~~commissioner~~~~[executive director]~~, an administrative law judge, or a member of the board.

(2)(a) All physical exhibits, including x-rays, shall be disposed of sixty (60) days after the order resolving the claim has become final except x-rays filed in coal workers' pneumoconiosis claims, which shall be returned to the party who filed the x-ray.

(b) A party filing an exhibit may make arrangements to claim an exhibit prior to that time.

(c)1. If an unclaimed exhibit has no money value, it shall be destroyed.

2. If an unclaimed exhibit has a value of more than \$100, it shall be sold as surplus property.

3. If an unclaimed exhibit has a value of less than \$100, it shall be donated to the appropriate state agency.

4. If an unclaimed exhibit has historic value, it shall be sent to the state archives.

Section 25. Time for Payment of Benefits in Litigated Claims.

(1) If a disputed claim is litigated and an opinion, order, or award is entered awarding benefits to a claimant and no appeal is taken that prevents finality of the opinion, order, or award, **payment shall be made in accordance with this subsection.**

(a) All past benefits due under the award shall be paid no later than twenty-one (21) days after expiration of the last appeal date unless otherwise ordered by an ALJ. **and**

(b) Any attorney fee shall be paid no later than thirty (30) days after the date of the administrative law judge's order approving the fee unless otherwise ordered by an ALJ.

(c) If plaintiff is represented by counsel, payment for past due benefits shall be mailed to the last known address of plaintiff's attorney.

(2) If an appeal is taken from an opinion, order, or award awarding benefits to a claimant, any benefits shall be paid no later than twenty-one (21) days after the decision becomes final and no further appeal can be taken. Any attorney fee shall be paid no later than thirty (30) days after the decision becomes final, or the date of the ALJ's order approving fee, whichever is later unless otherwise ordered by an ALJ.

(3) Failure to comply with this section may be grounds for sanctions pursuant to Section 26 of this administrative regulation, unless good cause is shown for the failure.

Section 26.~~[24]~~ Sanctions. (1) Pursuant to KRS 342.310, an administrative law judge or the board may assess costs upon a determination that the proceedings have been brought, prosecuted, or defended without reasonable grounds.

(2) A sanction may be assessed against an offending attorney or representative rather than against the party.

(3) If a party is a governmental agency and attorney's fees are assessed, the fees shall include fees for the services of an attorney in public employment, measured by the reasonable cost of similar services had a private attorney been retained.

(4) Failure of a party to timely file a pleading or document or failure to comply with the procedures required by this administrative regulation may be treated by an administrative law judge or the board as prosecuting or defending without reasonable grounds.

Section 27.~~[25]~~ Payment of Compensation from Uninsured Employers' Fund. (1) Payment from the Uninsured Employers'

Fund of compensation shall be made upon the determination by an administrative law judge that the responsible employer failed to secure payment of compensation as provided by KRS 342.340; and

(a) Thirty (30) days have expired since the finality of an award or issuance of an interlocutory relief order and a party in interest certifies the responsible employer has failed to initiate payments in accordance with that award;

(b) Upon showing that the responsible employer has filed a petition under any section of the Federal Bankruptcy Code; or

(c) The plaintiff or any other party in interest has filed in the circuit court of the county where the injury occurred an action pursuant to KRS 342.305 to enforce payment of the award against the uninsured employer, and there has been default in payment of the judgment by the employer.

(2) The plaintiff may by motion and affidavit demonstrate compliance with this section and request an administrative law judge to order payment from the Uninsured Employers' Fund in accordance with KRS 342.760.

(3) This section shall not be construed to prohibit the voluntary payment of compensation by an employer, or any other person liable for the payment, who has failed to secure payment of compensation as provided by KRS Chapter 342, the compromise and settlement of a claim, or the payment of benefits by the Special Fund or Coal Workers' Pneumoconiosis Fund.

~~[(4) Form UEF-P, Motion for Payment from Uninsured Employers' Fund, provided by the office may be used by the employee.]~~

Section 28.[26.] Forms. The Department[Office] of Workers' Claims shall not accept applications or forms in use prior to the forms required by and incorporated by reference in this administrative regulation. Outdated applications or forms submitted may[shall] be rejected and returned to the applicant or person submitting the form. If the application or form is resubmitted on the proper form within twenty (20) days of the date it was returned, the filing shall date back to the date the application or form was first received by the commissioner[executive director]. Otherwise, the date of the second receipt shall be the filing date.

Section 29. Request for Participation by the Kentucky Coal Workers' Pneumoconiosis Fund. (1) Following a final award or order approving settlement of a claim for coal workers' pneumoconiosis benefits pursuant to KRS 342.732, the employer shall file a written request for participation with the Kentucky Coal Workers' Pneumoconiosis Fund within thirty (30) days and shall serve copies of the request on all other parties.

(2) A written request for participation with the Kentucky Coal Workers' Pneumoconiosis Fund shall be in writing and include the following documents:

(a) Plaintiff's application for resolution of claim;

(b) Defendant's notice of resistance, notice of claim denial or acceptance, and any special answer;

(c) All medical evidence upon which the award or settlement was based;

(d) The notice of consensus issued by the commissioner, if rendered;

(e) Final opinion or order of an administrative law judge determining liability for benefits or settlement agreement and order approving settlement agreement;

(f) If an administrative law judge's award was appealed, the appellate opinions; and

(g) If the request for participation includes retraining incentive benefits under KRS 342.732, a certification by the requesting party that the plaintiff meets the relevant statutory criteria.

(3) If the request for participation is based upon the settlement of a claim, the employer shall submit a settlement agreement that represents liability exclusively for coal workers' pneumoconiosis benefits, and does not include any sums for other claims that the plaintiff may have against the employer.

(4) In claims arising under KRS 342.792, if the employer fails to submit a request for participation within thirty (30) days of the final award or order approving settlement, the plaintiff or an

administrative law judge may file a written request for participation with the Kentucky Coal Workers' Pneumoconiosis Fund within sixty (60) days of the final award or order approving settlement.

(5) Within thirty (30) days following receipt of a completed request for participation, the director of the Kentucky Coal Workers' Pneumoconiosis Fund shall notify the employer and all other parties of acceptance or denial of the request.

(6) A denial shall be in writing and based upon any of the following findings by the director:

(a) Failure to file a written request for participation within the time limits specified in this administrative regulation without good cause;

(b) The employer failed to defend the claim;

(c) The employer entered into a settlement agreement not supported by the medical evidence, or that includes sums for claims other than coal workers' pneumoconiosis or that was procured by fraud or mistake; or

(d) The award or settlement was for retraining incentive benefits and the request for participation did not include the training or education certification required by this administrative regulation.

(7) Denial of a request for participation may be appealed by any party to an administrative law judge within thirty (30) days following receipt of the denial.

(8) The administrative law judge shall:

(a) Determine if the denial was arbitrary, capricious, or in excess of the statutory authority of the director; and

(b) Not reexamine the weight assigned to evidence by an administrative law judge in an award.

(9) Except in claims under KRS 342.792, the employer shall promptly commence payment on all of the liability pursuant to the award or order and shall continue until the liability of the Kentucky Coal Workers' Pneumoconiosis Fund is established.

(a) This duty of prompt payment shall continue during pendency of an appeal from denial of a request for participation.

(b) In claims arising from KRS 342.792, the Kentucky Coal Workers' Pneumoconiosis Fund shall promptly commence payment upon its acceptance of the claim.

(10)(a) Except in claims under KRS 342.792, upon an appeal from the denial of a request for participation, if the Kentucky Coal Workers' Pneumoconiosis Fund does not prevail, it shall reimburse the employer for its proportionate share of the liability with interest accrued from the date of denial.

(b) In an appeal of a denial in a claim arising under KRS 342.792, in which the Kentucky Coal Workers' Pneumoconiosis Fund does not prevail, the fund shall commence payment pursuant to the opinion and award or order approving settlement with interest accrued from the date of the denial. All interest shall be paid at the rate established in KRS 342.040.

Section 30.[27.] Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Application for Resolution of a Claim - Injury", October 2016;

(b) "Application for Resolution of a Claim - Occupational Disease", October 2016;

(c) "Application for Resolution of a Claim - Hearing Loss", October 2016;

(d) "Application for Resolution - Interlocutory Relief", October 2016;

(e) Form 104, "Plaintiff's Employment History", October 2016;

(f) Form 105, "Plaintiff's Chronological Medical History", October 2016;

(g) Form 106, "Medical Waiver and Consent", July 2003;

(h) Form 107, "Medical Report - Injury/Hearing Loss/Psychological Condition", October 2016;

(i) Form 108, "Medical Report - Occupational Disease", October 2016;

(j) Form 109, "Attorney Fee Election", March 15, 1995;

(k) Form 110, "Agreement as to Compensation and Order Approving Settlement", October 2016;

(l) Form 110-F, "Agreement as to Compensation and order

Approving Settlement - Fatality", October 2016:

(m) "Notice of Claim Denial or Acceptance", October 2016:

(n) Form AWW-1, "Average Weekly Wage Certification", October 2016:

(o) Form AWW-CON, "Average Weekly Wage Certification - Concurrent", October 2016:

(p) Form AWW-POST, "Average Weekly Wage Certification - Post Injury", October 2016:

(q) Form F, "Fatality", October 2016:

(r) Form SVC, "Safety Violation Alleged by Plaintiff/Employer", October 2016; and

(s) Form SVE, "Safety Violation Alleged by Department/Employer", October 2016.

[Form 101, "Application for Resolution of Injury Claim", (revised April 2006), Office of Workers' Claims;

(b) Form 102-OD, "Application for Resolution of Occupational Disease Claim", (revised June, 2005), Office of Workers' Claims;

(c) Form 103, "Application for Resolution of Hearing Loss Claim", (June 2005 Edition), Office of Workers' Claims;

(d) ~~[(Form 104, "Plaintiff's Employment History", [(January 1, 1997 Edition)]], Department [Office] of Workers' Claims;~~

~~[(b)][(e)] [Form 105, "Plaintiff's Chronological Medical History", [(January 1, 1997 Edition)]], Department [Office] of Workers' Claims;~~

~~[(c)][(f)] [Form 106, "Medical Waiver and Consent", [(July 2003 Edition)]], Department [Office] of Workers' Claims;~~

~~[(d)][(g) Form 107-I, "Medical Report - Injury", (revised April 2005), Office of Workers' Claims;~~

~~[(h) Form 107-P, "Medical Report - Psychological", (revised April 2005), Office of Workers' Claims;~~

~~[(i) Form 108-OD, "Medical Report - Occupational Disease", (April 2005 Edition), Office of Workers' Claims;~~

~~[(j) Form 108-CWP, "Medical Report - Coal Workers' Pneumoconiosis", (April 2005 Edition), Office of Workers' Claims;~~

~~[(k) Form 108-HL, "Medical Report - Hearing Loss", (revised April 2005), Office of Workers' Claims;]~~

~~[(l)] [Form 109, "Attorney Fee Election", [(March 15, 1995 Edition)]], Department [Office] of Workers' Claims;~~

(e) Form 110, "Agreement as to Compensation and Order Approving Settlement", Web edition to be developed, Department of Workers' Claims;

(f) [(m)] [Form 110-F, "Agreement as to Compensation and Order Approving Settlement - Fatality", [(revised January 2005)]];

(g) [(n) Form 110-I, "Agreement as to Compensation and Order Approving Settlement - Injury", (revised July 2006), Office of Workers' Claims;

(o) Form 110-O, "Agreement as to Compensation and Order Approving Settlement - Occupational Disease", (revised July 2006), Office of Workers' Claims;

(p) Form 110-CWP, "Agreement as to Compensation and Order Approving Settlement - Coal Workers' Pneumoconiosis", (July 2002 Edition), Office of Workers' Claims;

(q) Form 111-Injury and Hearing Loss, "Notice of Claim Denial or Acceptance", (January 1, 1997 Edition), Office of Workers' Claims;

(r) Form 111-OD, "Notice of Claim Denial or Acceptance", (January 1, 1997 Edition), Office of Workers' Claims;

(s) Form 115, "Social Security Release Form", (January 1, 1997 Edition); and Office of Workers' Claims;

(t) [Form AWW - 1, "Average Weekly Wage Certification", [(January 1, 1997 Edition)]], Department [Office] of Workers' Claims;

(h) Form AWW-CON, "Average Weekly Wage Certification-Concurrent", Web edition to be developed, Department of Workers' Claims;

(i) Form AWW-POST, "Average Weekly Wage Certification-Post-Injury", Web edition to be developed, Department of Workers' Claims;

(j) Form F "Fatality", Web edition to be developed, Department of Workers' Claims;

(k) Form SVC, "Safety Violation Alleged by Plaintiff/Employer", Web edition to be developed, Department

of Workers' Claims; and

(l) Form SVE, "Safety Violation Alleged by Defendant/Employer", Web edition to be developed, Department of Workers' Claims][(u) Form MIR-1, Motion for Interlocutory Relief (May 29, 1997 Edition);

(v) Form MIR-2, Affidavit for Payment of Medical Expenses (May 29, 1997 Edition);

(w) Form MIR-3, Affidavit for Payment of Temporary Total Disability (May 29, 1997 Edition);

(x) Form MIR-4, Affidavit Regarding Rehabilitation Services (May 29, 1997 Edition);

(y) Form VRT, Petition for Vocational Rehabilitation Training (April 2005 Edition);

(z) Form MTR-1, Motion to Reopen by Employee (May 29, 1997 Edition);

(aa) Form MTR-2, Motion to Reopen KRS 342.732 Benefits (May 29, 1997 Edition);

(bb) Form MTR-3, Motion to Reopen by Defendant (May 29, 1997 Edition);

(cc) Form WVR, Joint Motion and Agreement to Waive Vocational Rehabilitation Evaluation (April 2005 Edition);

(dd) Form UEF-P, Motion for Payment from Uninsured Employers' Fund (April 2005 Edition); and

(ee) Form 11, Motion to Substitute Party and Continue Benefits (January 31, 2005)].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department [Office] of Workers' Claims, Prevention Park, 657 Chamberlin Avenue, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

DWIGHT T. LOVAN, Commissioner

APPROVED BY AGENCY: June 15, 2016

FILED WITH LRC: June 15, 2016 at 11 a.m.

CONTACT PERSON: Charles E. Lowther, General Counsel, Department of Worker's Claims, Prevention Park, 657 Chamberlin Avenue, Frankfort, Kentucky 40601, phone (502) 782-4464, fax (502) 564-0681.

ADMINISTRATIVE REGULATIONS AMENDED AFTER PUBLIC HEARING
OR RECEIPT OF WRITTEN COMMENTS

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Kentucky Board of Education
Department of Education
(Amended After Comments)

702 KAR 7:065. Designation of agent to manage middle and high school interscholastic athletics.

RELATES TO: KRS 61.805 - 61.850, 156.070(2), 160.380, 160.445, 20 U.S.C. 1681

STATUTORY AUTHORITY: KRS 156.070(1), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070(1) requires the Kentucky Board of Education (KBE) to manage and control the common schools, including interscholastic athletics in the schools. KRS 156.070(2) authorizes the KBE to designate an agency to manage athletics. This administrative regulation designates an agent for middle and high school athletics; establishes the financial planning and review processes for the agent; and incorporates by reference the bylaws, procedures, and rules of the agent.

Section 1. Definitions. (1) "Contact" means that drills are run at Level 3, thud, or Level 4, live action.

(2) "Level 0" or "air" means that players run a drill unopposed and without contact.

(3) "Level 1" or "bags" means that a drill is run against a bag or another soft contact surface.

(4) "Level 2" or "control" means that a drill is run at the assigned speed until the moment of contact; one (1) player is predetermined the winner by the coach; contact remains above the waist; and players stay on their feet.

(5) "Level 3" or "thud" means that a drill is run at the assigned speed through the moment of contact; there is not a predetermined winner; contact remains above the waist; players stay on their feet; and a quick whistle ends the drill.

(6) "Level 4" or "live action" means that a drill is run in game-like conditions and is the only time that players are taken to the ground.

(7) "Non-contact" means that drills are run at Level 0, air; Level 1, bags; or Level 2, control.

Section 2. The Kentucky High School Athletic Association (KHSAA) shall be the Kentucky Board of Education's agent to manage interscholastic athletics at the middle and high school level in the common schools, including a private school desiring to associate with KHSAA or to compete with a common school.

Section 3.[2.] To remain eligible to maintain the designation as the agent to manage interscholastic high school athletics, the KHSAA shall:

(1) Accept four (4) at-large members appointed by the Kentucky Board of Education to its high school Board of Control;

(2) Sponsor an annual meeting of its member high schools;

(3) Provide for each member high school to have a vote on KHSAA constitution and bylaw changes submitted for consideration;

(4) Provide for high school regional postseason tournament net revenues to be distributed to the member high schools in that region participating in that sport, utilizing a share approach determined by the high schools within that region playing that sport;

(5) Provide for students desiring to participate at the high school level (regardless of level of play) to be enrolled in at least grade seven (7) unless the student has participated at the high school level prior to the 2014 - 2015 school year;

(6) Require its governing body to annually establish goals and objectives for its commissioner and perform a self-assessment and submit the results annually to the KBE by December 31;

(7) Advise the Department of Education of all legal action brought against the KHSAA;

(8) Permit a board of control member to serve a maximum of two (2) consecutive four (4) year terms with no region represented for more than eight (8) consecutive years;

(9) Employ a commissioner and evaluate that person's performance annually by October 31, and establish all staff positions upon recommendation of the commissioner;

(10) Permit the commissioner to employ other personnel necessary to perform the staff responsibilities;

(11) Permit the Board of Control to assess fines on a member high school;

(12) Utilize a trained independent hearing officer instead of an eligibility committee for a high school athletic eligibility appeal;

(13) Establish a philosophical statement of principles to use as a guide in a high school eligibility case;

(14) Conduct continual cycles of field audits of the association's entire high school membership which provides that each high school is audited regarding each school's compliance with 20 U.S.C. Section 1681 (Title IX) and submit annual summary reports, including the highlighting of any potential deficiencies in OCR compliance to the Kentucky Board of Education;

(15) As a condition precedent to high school membership, require each member high school and superintendent to annually submit a written certification of compliance with 20 U.S.C. Section 1681 (Title IX);

(16) Conduct all meetings related to high school athletics in accordance with KRS 61.805 through 61.850;

(17) Provide written reports of any investigations into possible violations of statute, administrative regulation, KHSAA Constitution, KHSAA Bylaws, and other rules governing the conduct of high school interscholastic athletics conducted by KHSAA or their designees to the superintendent and principal of the involved school district and school prior to being made public; and

(18) Not punish or sanction, in any manner, a school, student, coach, or administrator for allowing a student to play in an athletic contest or practice with the team during a time when an order of a court of competent jurisdiction permits the student to participate or otherwise stays or enjoins enforcement of a KHSAA final decision on eligibility.

Section 4.[3.] To remain eligible to maintain the designation as the agent to manage interscholastic athletics at the middle school level, the KHSAA shall implement the following requirements for all participants in middle school interscholastic athletics and distribute these requirements to all middle schools and publish via the KHSAA Web site:

(1) Require that these provisions apply to all middle school interscholastic athletics. The following indicates that a team is representative of a school and classified as middle school athletics:

(a) The contest, event, or tournament is sponsored by a school or combined group of schools;

(b) Competitors wear a school issued uniform;

(c) The contest, event, or tournament is sponsored by an outside entity as a school entry event (advertised or promoted as a school event), whether or not an entry fee is required;

(d) A school entity pays an entry fee, for the student or team, including payment by booster organizations;

(e) A school representative accompanies the student-athlete or transports the student-athlete to the contest, event, or tournament;

(f) A member of a school coaching staff (designated or hired, whether paid or unpaid) is present and offering instruction, advice, evaluation, or refinement of skills or exercising other duties defined as coaching within the sport rules;

(g) Transportation to or from the contest, event, or tournament utilizes school provided or approved transportation;

(h) Competitors in the contest, event, or tournament wear apparel identifying them by the name of the school (formal, informal, or team nickname);

(i) Competitors in the contest, event, or tournament are provided resources (promotional or otherwise) by the school including school media recognition, signage, and items clearly

indicative of school representation;

(j) Competition in a contest, event, or tournament has, in any form, jurisdiction of the local school board or school based decision making body, including financial or other approval control; or

(k) Competition in a contest, event, or tournament is covered by any school or school system provided or procured insurance policy;

(2) Require that any coach (head or assistant, paid or unpaid) desiring to coach interscholastic athletics at the middle school level:

(a) Meet the requirements of KRS 156.070(2)(f)2.;

(b) Meet the requirements of [and] KRS 160.380(4) and (6); and

(c) Provide to the school documentation of successful completion of a C.P.R. course including the use of an automatic external defibrillator and the first aid training, conducted by an instructor or program approved by a college or university, the American Red Cross, ~~the~~ American Heart Association, or other bona fide accrediting agency. Initial certification shall use in-person instruction and certification shall be updated as required by the approving agency;

(3) Require the adherence to the following items regarding safety, sports medicine, and risk minimization for all interscholastic athletics at the middle school level:

(a) Each student, prior to trying for a place on a middle school athletic team, shall provide an annual medical examination, in accordance with KRS 156.070(2)(d), and shall use the form approved for use at the middle school level;

(b) All participants at the middle school level shall adhere to all sports medicine and risk minimization policies in use at the high school level that may be supplemented by the school, school district, conference, or association including:

1. Heat index and heat illness programs;

2. Wrestling weight management programs;~~[and]~~

3. Concussion and other head injury policies including policies for minimizing impact exposure and concussion risks;

4. The following football drill work and practice activity limitations:

a. Football contact and non-contact practice shall use the appropriate clothing and equipment for the level of drill, including:

(i) A drill conducted in helmets-only shall be a Level 0, air, or Level 1, bags;

(ii) A drill conducted in shells (shorts, shoulder pads, and helmets) shall be a non-contact drill; and

(iii) A contact drill shall be conducted in full equipment;

b. Middle school football shall practice a minimum of eleven (11) days before engaging another group or opponent in full contact, using the following minimum schedule:

(i) Five (5) days in helmets;

(ii) Followed by three (3) days in helmets and shoulder pads; and

(iii) Concluding with three (3) days in full equipment practice; and

c. Contact drills shall not be conducted more than twenty-one (21) days before the first regular season contest; and

5. Beginning with the 2017-2018 school year, teams participating in middle school athletics as defined by subsection (1) of this section shall use KHSAA licensed officials in the sports of baseball, basketball, field hockey, football, soccer, softball, and volleyball;

(4) Create a permanent Middle School Athletics Advisory Committee. This committee shall:

(a) Be autonomous with respect to the Board of Control of the KHSAA;

(b) Be composed of no less than three (3) middle school representatives from each Supreme Court district as well as no less than three (3) at large representatives from throughout the state;

(c) Provide an opportunity for nonprofit athletic groups, parents, and others to participate and provide input on the sport, athletic event, or athletes involved in interscholastic activities through local school districts;

(d) Meet not less than twice annually to review current programs and policies; make recommendations for improvements

to and participation in middle school interscholastic activities, as well as any changes in statute, administrative regulation, or policy related to middle school interscholastic athletics; and assist in the development of model guidelines for schools, districts, conferences, and associations to be used in implementing a middle school athletic program; and

(e) Report regularly, not less than annually, to the commissioner of the KHSAA and issue, in conjunction with the commissioner, a formal written report annually to the Kentucky Board of Education with recommendations for changes in statute, administrative regulation, or policy;

(5) Require any organization conducting a school based event at the middle school level to submit the following, which shall be published and listed on the KHSAA Web site:

(a) Annual financial reports of all sanctioned and approved events sponsored by the organization; and

(b) Documentation of financial accountability including verification of federal status and tax documents including an annual IRS Form 990;

(6) Provide notice to the middle schools related to any program conducted by KHSAA related to educating school administrators about the provisions of 20 U.S.C. 1681, Title IX;

(7) Provide educational materials and a mechanism to facilitate the monitoring and tracking capabilities for the middle schools to ensure compliance with the provisions of KRS 160.445, and other requirements for coaches at the middle school level;

~~(8)[Beginning with the 2015-2016 school year,] Require any student enrolled initially in grade five (5) through eight (8) during the 2015-2016 school year or thereafter who is repeating a grade for any reason, to be ineligible, during the school year that the grade is repeated, to compete in interscholastic competition involving students enrolled in grades six (6) through eight (8);~~

~~(9)[Beginning with the 2015-2016 school year,] Require that any student who turns:~~

~~(a) Fifteen (15) years of age prior to August 1 of the current school year shall not be eligible for interscholastic athletics in Kentucky in competition against students exclusively enrolled in grades eight (8) and below;~~

~~(b) Fourteen (14) years of age prior to August 1 of the current year shall not be eligible for interscholastic athletics in Kentucky in competition against students exclusively enrolled in grades seven (7) and below; and~~

~~(c) Thirteen (13) years of age prior to August 1 of the current school year shall not be eligible for interscholastic athletics in Kentucky in competition against students exclusively enrolled in grades six (6) and below;~~

(10) Require each school, school district, conference, or association of schools to develop rules and limitations regarding student participation at the middle school level to include:

(a) A defined age limitation for participating students;

(b) A policy regarding the participation of students below grade six (6);

(c) A limitation on practice time prior to the season in any sport or sport activity which shall not exceed the practice time adopted for play at the high school level;

(d) A limitation on the number of school based scrimmages and regular season, school based contests in each sport or sport-activity, which shall not include post season contests and shall not exceed the allowable number of contests for that sport or sport-activity at the high school level; and

(e) A limitation on the length of the regular competitive season in each sport or sport-activity, not including any post season activities, which shall not exceed the length for that sport or sport-activity at the high school level;

(11) Conduct all meetings related to middle school athletics in accordance with KRS 61.805 through 61.850;

(12) Issue an annual report to the Kentucky Board of Education on the status of interscholastic athletics at the middle school level, including any recommendations for changes in statute, administrative regulation, or policy;~~[and]~~

(13) Allow a school or school district to join a conference or association that has developed rules for any particular sport or sport-activity to satisfy the requirements of this administrative

regulation; and

(14) Beginning in June, 2017, the period of June 25 to July 9 (inclusive) shall be a dead period for middle school athletics. During the dead period:

(a) Students shall not receive coaching or training from school personnel (either salaried or non-salaried);

(b) School facilities, uniforms, nicknames, transportation, or equipment shall not be used;

(c) School funds shall not be expended in support of interscholastic athletics; and

(d) A postseason wrap-up activity, celebration, or recognition event relating to a spring sports team at a school may be held.

Section 5.4. Financial Planning and Review Requirements.

(1) KHSAA shall annually submit the following documents to the KBE by October 31:

(a) Draft budget for the next two (2) fiscal years, including the current year;

(b) End-of-year budget status report for the previous fiscal year;

(c) Revisions to the KHSAA Strategic Plan as a result of an annual review of the plan by the KHSAA governing body;

(d) A summary report of operations including summaries of financial, legal, and administrative actions taken and other items ongoing within KHSAA. This report shall also include a summary of items affecting:

1. Athletic appeals and their disposition, including the name of the individual, grade, school, and the action taken by KHSAA;
2. Eligibility rules;
3. Duties of school officials;
4. Contests and contest limitations;
5. Requirements for officials and coaches; and
6. Results of a biennial review of its bylaws that results in a recommendation for a change, directing any proposals for change in association rules to be considered for vote by the member schools at the next legislative opportunity; and

(e) A review of all items which have been submitted to the membership for approval through the processes established in the KHSAA Constitution and the result of the voting on those issues.

(2) The KHSAA shall annually submit at the next meeting of the Kentucky Board of Education following receipt and adoption by the Board of Control, audited financial statements with the KHSAA Commissioner's letter addressing exceptions or notes contained in management correspondence, if any.

Section 6.5. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "KHSAA Constitution", 6/2013;

(b) "KHSAA Bylaws", 6/2016[8/2/2015];

(c) "KHSAA Due Process Procedure", 6/2014;

(d) "KHSAA Board of Control and Officials Division Policies", 6/2016[8/2/2015];

(e) "KHSAA Form BA101- Baseball Pitching Limitation", 6/2016[4/2009];

(f) ["KHSAA Form FB102- Football Financial Report", 9/7/2009;

(g) KHSAA Form GE01, "Application for Renewal of Membership", 5/2015;

(h) KHSAA Form GE02, "Application for New Membership", 5/2015;

(i) KHSAA Form GE04, "Athletic Participation Form, Parental and Student Consent and Release for High School Level (grades 9 - 12) Participation", 4/2015;

(j) KHSAA Form GE06, "Transfer Form – Citizens of the U.S. or U.S. Territories", 8/2/2015;

(k) KHSAA Form GE07, "Application for Foreign Exchange Student (Non Domestic) Eligibility", 6/2016[8/2/2015];

(l) KHSAA Form GE08, "Application for Foreign Student, Non-Exchange (Non Domestic) Eligibility", 6/2016[8/2/2015];

(m) KHSAA Form GE14- Contract for Athletic Contests", 4/2014;

(n) KHSAA Form GE16, "Request for Statutory Waiver of Bylaw 2", 6/2016 [4/2014];

(o) KHSAA Form GE19-Title IX Procedures Verification",

5/2011;

(p) KHSAA Form GE20, "Heat Index Measurement and Record", 4/2014;

(q) KHSAA Form GE35, "Request for Waiver of 20 Day Notice", 4/2014;

(r) KHSAA Form GE36- Add. Info for Appeal", 6/2016[5/2014];

(s) "KHSAA Form GE52- District Tournament Financial Report", 4/2014;

(t) KHSAA Form GE53, "KHSAA Regional Tournament Financial Report", 6/2015;

(u) "KHSAA Form GE69- Waiver – 15 Day Exceptions", 6/2016[5/2014];

(v) KHSAA Form PPE/Physical Exam, "PPE- Physical Exam History/Physician Clearance Form (Grades 6 - 12)", 4/2015;

(w) KHSAA Form PPE/Supplemental, "PPE- Physical Exam History Supplemental Form for Athletes With Special Needs (Grades 6 - 12)", 4/2015;

(x) KHSAA Form SO112, "Semi-State Tournament Financial Report", 6/2015;

(y) KHSAA Form WR111, "Wrestling Skin Condition", 6/2015;

(z) KHSAA Form WR126, "Minimum Weight Certification Program Assessor Designation", 4/2014;] and

(aa) "KHSAA Form MS01- Athletic Participation Parental and Student Consent and Release for Middle School (grades 5-8) Participation", 4/2015.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Legal and Legislative Services, Department of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

STEPHEN L. PRUITT, Ph.D., Commissioner of Education

WILLIAM TWYMAN, Chairperson

APPROVED BY AGENCY: August 12, 2016

FILED WITH LRC: August 12, 2016 at noon

CONTACT PERSON: Kevin C. Brown, Associate Commissioner and General Counsel, Kentucky Department of Education, 500 Mero Street, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email kevin.brown@education.ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Kevin C. Brown

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 156.070 requires the Kentucky Board of Education (KBE) to manage and control the common schools, including interscholastic athletics in the schools, and authorizes the KBE to designate an agency to manage athletics. This regulation designates the Kentucky High School Athletic Association (KHSAA) as the agent to manage high school and middle school interscholastic athletics, and incorporates by reference the bylaws, procedures and rules governing interscholastic sports.

(b) The necessity of this administrative regulation: This regulation is necessary to designate the agency to provide the day-to-day management activities of interscholastic athletics in Kentucky; to set forth the financial, planning and review processes governing the agent; and to incorporate by reference the bylaws, procedures and rules of the agency.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation designates the agency to manage interscholastic athletics, as authorized by the authorizing statute, and outlines the conditions under which this authority is granted.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: It designates the KHSAA as the agent to manage interscholastic athletics in the

schools and districts at the high school and middle school levels, and publishes changes in bylaws, procedures and rules for affected schools and districts.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: These amendments make changes to the documents incorporated by reference, in the KHSAA Bylaw 6 as adopted by the KHSAA Delegate Assembly, and adds health and safety requirements for middle school athletics as recommended by the Middle School Interscholastic Athletics Advisory Committee.

(b) The necessity of the amendment to this administrative regulation: Pursuant to the KHSAA Constitution, which is incorporated by reference in this regulation, the members are required to have an annual meeting to discuss and recommend any needed changes to the Constitution and Bylaws. While they are not required to make changes to the Constitution and Bylaws, changes must be made through this process. This amendment incorporates changes approved at the annual meeting of the Delegate Assembly. This amendment also is necessary to designate the KHSAA as the agent to manage interscholastic athletics at the middle school level.

(c) How the amendment conforms to the content of the authorizing statutes: The statute authorizes the KBE to designate an agency to manage interscholastic athletics in the common schools. The regulation designates the KHSAA as that agent at both the high school and middle school levels, and incorporates by reference the KHSAA Handbook, which consists of the KHSAA Constitution, Bylaws, and Due Process Procedure to provide rules and guidance to the member schools and districts governing sporting events. The amendments in the Bylaws are made annually, according to the process outlined in the Constitution, and reflect input given by member schools and districts on changes that need to be made to provide a more sound structure of governance.

(d) How the amendment will assist in the effective administration of the statutes: See (c) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 173 School Districts and other member schools of the KHSAA.

(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment: There will be little impact because of the nature of the changes to the regulation. There are requirements that continue to be placed on schools and coaching personnel, however the training required to meet these requirements will be provided at no costs to the schools or the coaching personnel.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: Minimal

(b) On a continuing basis: None

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: KHSAA is funded through membership fees and dues, as well as from gate receipts from the various state championships.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: None

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: None

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all school districts.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? School districts, the Department of Education, and the Kentucky High School Athletic

Association.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.070 and 702 KAR 7:065.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. There is no additional expense to the school districts or the department as a result of this administrative regulation. CPR training required for middle schools is often available at minimal costs to schools and districts, or provided by cooperatives or other entities free of charge.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? The costs associated to the KHSAA in administering this program for the first year are minimal.

(d) How much will it cost to administer this program for subsequent years? The costs associated to the KHSAA in administering this program in subsequent years are minimal.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

CABINET FOR HEALTH AND FAMILY SERVICES Department for Aging and Independent Living Division of Operations and Support (Amended After Comments)

910 KAR 1:210. Kentucky Long-term Care Ombudsman Program.

RELATES TO: KRS 205.201, 209.030(5), 216.535, 216.540-216.543, 42 U.S.C. 3001 et seq.

STATUTORY AUTHORITY: KRS 194A.050, 205.204

NECESSITY, FUNCTION, AND CONFORMITY: 42 U.S.C. 3001 et seq., the Older Americans Act of 1965, as amended, requires states to establish and operate, either directly or by contract, a long-term care ombudsman program to protect the rights of older individuals. KRS 194A.050 requires the secretary for the Cabinet for Health and Family Services to promulgate administrative regulations necessary to implement programs mandated by federal law. KRS 205.204 designates the Cabinet for Health and Family Services as the state agency to administer the Older Americans Act in Kentucky. This administrative regulation establishes a statewide Long-term Care Ombudsman Program.

Section 1. Definitions. (1) "Access" means the right to enter a long-term care facility, meet with the residents, and review the records of a resident.

(2) "Administrator" means any person charged with the general administration or supervision of a long-term care facility without regard to whether the person has an ownership interest in the facility or to whether the person's functions and duties are shared with one (1) or more other persons.

(3) "Case" means each inquiry brought to, or initiated by, the ombudsman on behalf of a resident or group of residents involving one (1) or more complaints and includes an ombudsman investigation or strategy to resolve and follow-up.

(4) "Certification" means the official notification by the Kentucky long-term care ombudsman that local long-term care ombudsman individual staff are qualified and acceptable to

function in that capacity.

(5) "Complaint" means an allegation filed by residents or on behalf of residents relating to the health, safety, welfare, and rights of a resident.

(6) "Complaint resolution" means either corrective action taken in regard to an allegation or a determination as to the validity of the allegation.

(7) "Complaint verification" means a determination through investigative means that allegations relating to the health, safety, welfare, and rights of a patient are generally accurate.

(8) "DAIL" means the Department for Aging and Independent Living.

(9) "Designation" means formal notification by the Kentucky long-term care ombudsman that a district program meets requirements and shall be considered a subdivision of the state office.

(10) "Designee" means an individual who is chosen to act on behalf of the KLTCO and who meets the same qualifications as the KLTCO pursuant to Section 8 of this administrative regulation.

(11) "District ombudsman" means that individual certified by the Kentucky long-term care ombudsman to implement the ombudsman provisions of the approved contract agency plan.

~~(12)~~~~(14)~~ "Educational or experiential equivalent" means:

(a) Two (2) semesters totaling at least twenty-four (24) hours of course work; and

(b) At least 400 documented hours of experience assisting aging or disabled individuals through:

1. Practicum placement;
2. Clinicals; or
3. Volunteerism.

~~(13)~~~~(12)~~ "Evaluation" means periodic analysis and review conducted by the Kentucky long-term care ombudsman of district, regional, and state ombudsman programs, including quality assurance and outcome measures pertaining to individual and programmatic performance.

~~(14)~~~~(13)~~ "Friendly visitor" means a trained non-certified volunteer who visits residents in long-term care facilities to assist the district long-term care ombudsman program.

~~(15)~~~~(14)~~ "Investigation" means the formal response by a long-term care ombudsman to complaints of issues involving the health, safety, welfare, and rights of a resident.

~~(16)~~~~(15)~~ "Kentucky long-term care ombudsman" or "KLTCO" means the individual charged with the administration of the Kentucky Long-term Care Ombudsman Program under the provisions of the Older Americans Act of 1965, as amended.

~~(17)~~~~(16)~~ "Long term care facility" is defined by KRS 216.510(1).

~~(18)~~~~(17)~~ "Monitoring" means periodic review measuring ombudsman program's adherence to approved plans, including analysis of non-client specific data relating to program performance.

~~(19)~~~~(18)~~ "Primary client group" means residents of long-term care facilities and those persons making application for admission to long-term care facilities and their families.

~~(20)~~~~(19)~~ "Referral" means the appropriate channeling of information so as to effect a desired outcome.

~~(21)~~~~(20)~~ "Regional long-term care ombudsman" means ombudsmen who operate directly from the Kentucky Long-term Care Ombudsman Program and whose responsibilities include coordination of a multi-area development district area.

~~(22)~~~~(21)~~ "Resident representative" is defined by 45 C.F.R 1327.1.

~~(23)~~~~(22)~~ "Volunteer ombudsman" means a certified unpaid individual serving within a district program to assist a district ombudsman.

Section 2. Responsibilities of Kentucky Long-term Care Ombudsman. (1) The Kentucky Long-term Care Ombudsman Program shall be administered by a full time ombudsman operated by DAIL or through a contracted entity.

(2) The Kentucky Long-term Care Ombudsman shall be responsible for the:

(a) Design, implementation and management of a statewide uniform system for receiving, investigating, resolving, and reporting complaints on behalf of residents in long-term care facilities and provide ongoing support to assist in the resolution of those complaints;

(b) Investigation of complaints made by or on behalf of residents in long-term care facilities from areas of the state temporarily without local ombudsman programs if a local backup ombudsman is not available;

(c) Development and implementation of policies and procedures for operation of the program, including those related to:

1. Receipt, investigation, and resolution of complaints;
2. Protecting confidentiality of records and identity of complainants;

3. Establishing the right of public access to information regarding conditions in long-term care facilities; and

4. Securing ombudsman access to long-term care facilities, residents, and residents' personal and medical records;

(d) Development and management of a system for the operation of a statewide network of district programs, including:

1. Designation of district programs through:

- a. Reviewing applications for designation of district ombudsman contained in their plans for operating either directly or under subcontract;
- b. Providing written confirmation of the designation; and
- c. Administration of certification and training requirements;

2. Development of district program operating procedures and reporting requirements; and

3. Establishment of a communications link between the Kentucky long-term care ombudsman and district programs;

(e) Establishment and maintenance of program official files and adoption of procedures to protect the confidentiality of those files;

(f) Provision of information and education concerning:

1. Program activities;
2. The long-term care system; and
3. The rights and concerns of residents and potential residents of long-term care facilities;

(g) Provision of assistance to citizen organizations, consumer groups, and other interested community organizations to enhance the rights of residents in long-term care facilities;

(h) Promotion of the development of citizen organizations at the state and local level to participate in the program;

(i) Use of publicity and outreach efforts directed at long-term care residents and families, network staff, and the general public about the availability of the program to receive and investigate complaints;

(j) Review of complaint, case, and issue data submitted by the district programs and analysis for trends, patterns [pattern], and issue identification;

(k) Annual National Ombudsman Reporting System (NORS) report to the Administration on Community Living;

(l) Assistance to the district ombudsman to establish, develop, and coordinate ombudsman activities;

(m) Development of agreements and working relationships with relevant agencies to encourage their cooperation and assistance with the program at the state and local levels;

(n) Development of agreements and working relationships with legal services programs, particularly those funded by the Older Americans Act of 1965, as amended;

(o) Development and provision of training on an ongoing basis for regional and district ombudsman program staff and volunteers;

(p) Identification and development of additional funding and staffing resources for the long-term care ombudsman program;

(q) Support and promotion of the formation of resident councils in long-term care facilities;

(r) Development and provision of testimony and comment on proposed legislation, administrative regulations, policies, and rule changes affecting the long-term care residents[institutionalized elderly];

(s) Conduction of other activities related to the protection and dignity of residents of long-term care facilities;~~and~~

(t) Performance of other activities required by the Administration on Community Living;

(u) Policy that shall require the district ombudsman program to perform the functions and responsibilities of the ombudsman pursuant to 42 C.F.R. 1327.13 and adhere to the requirements of section 712 of the Older Americans Act;

(v) Policy and procedure clarifying the local ombudsman shall have access to the agencies programmatic fiscal information; and

(w) Policy and procedure for the receipt and review of grievances received regarding the determination or action of the ombudsman and representatives.

Section 3. Responsibilities of the Regional Ombudsman. The regional ombudsman shall be staff of, and report directly to, the Kentucky long-term care ombudsman and shall have the following responsibilities:

- (1) Receive, investigate, and resolve complaints;
- (2) Provide technical assistance and coordination of district programs;
- (3) Assist in training of volunteers and local program personnel;
- (4) Provide information to public agencies regarding problems of long-term care residents;
- (5) Abide by established policies and procedures related to reporting and confidentiality; and
- (6) Perform other job duties as required by the Kentucky long-term care ombudsman.

Section 4. Designation of District Programs. (1) The Kentucky long-term care ombudsman shall designate district entities throughout the state to operate the long term care ombudsman program.

(2) The district ombudsman program entity shall submit a plan which shall serve as the application for designation of a district ombudsman. The application shall include:

- (a) Definition of program in terms of the following personnel:
 1. Program supervisor;
 2. Ombudsman advisory council;
 3. District ombudsman;
 4. Friendly visitors; and
 5. Volunteer ombudsman;
- (b) Agency to conduct the program;
- (c) Ability to receive, investigate, and resolve complaints on behalf of long-term care residents;
- (d) Maintenance of a complaint documentation system;
- (e) Ability to monitor the development and implementation of laws, policies, and regulations which apply to residential long-term care;
- (f) Ability to recruit and provide standardized training for volunteers;
- (g) Ability to respond in a timely fashion to requests from the Kentucky Long-term Care Ombudsman Program for statistical data and other information;
- (h) Ability to receive training and continuing education from the Kentucky Long-term Care Ombudsman Program;
- (i) Ability to assure confidentiality of files;
- (j) Ability to inform and educate residents, sponsors, organizations, the long-term care industry, and the general public relative to issues affecting the long-term care system, the ombudsman program, and resident rights and concerns;
- (k) Provision that no individual involved in the appointment of a subdivision of the office and that no officer, employee, or other representative of the office is subject to a conflict of interest;~~and~~
- (l) Provision that representatives of the Kentucky Long-term Care Ombudsman Program shall not be liable under state law for the good faith performance of official duties;and
- (m) Provision of an annual written statement that the district ombudsman program and contracted entity shall ensure there is not a conflict of interest for the following:

1. Staff;
2. Volunteers;
3. Governing board members;
4. Advisory board members; or
5. Other parties representing or providing oversight to the long-term care ombudsman program.

(3) Designated ombudsmen shall be representatives of the Kentucky Long-term Care Ombudsman Program and shall be accorded rights and privileges of that office.

(4) The district ombudsman agency shall coordinate with the Kentucky long-term care ombudsman prior to hiring a district ombudsman.

Section 5. Responsibilities of the District Ombudsman. The district ombudsman shall:

- (1) Provide services as follows:
 - (a) There shall be a staff person, qualified by training and experience, responsible for administering each service and supervising assigned staff and volunteers;
 - (b) There shall be designated staff who are trained and skilled in assessing and dealing with the needs of older adults~~(the elderly)~~ and in the delivery of each service;
 - (c) Volunteers and paid staff with the same responsibilities shall meet comparable requirements for training and skills;
 - (d) New staff shall receive an orientation and shall be trained and certified prior to assuming responsibilities;
 - (e) Staff shall attend required training and provide in-service training for staff and volunteers of local programs;
 - (f) Staff and volunteers shall not accept personal gifts or money from participants or vendors; and
 - (g) Staff and volunteers shall not pay bills or cash checks for clients or participants;
 - (2) Assure services are accessible to older persons by telephone, correspondence, or person-to-person contact;
 - (3) Represent residents residing in long-term care facilities within the assigned geographical areas;
 - (4) Assure residents' rights are upheld and promote quality care in long-term care facilities;
 - (5) Investigate and work to resolve complaints on behalf of long-term care residents;
 - (6) Promote community involvement in the program by:
 - (a) Publicizing the existence and function of the local and state programs;
 - (b) Advising the public about the availability of current state, local, and federal inspection reports, statements of deficiency, and plans for correction for individual long-term care facilities in the service area;
 - (c) Organizing and implementing an active volunteer program;
 - (d) Assisting in the development of resident or family and friends councils;
 - (e) Sponsoring community education and training programs for long-term care facilities, human service workers, families, and the general public about long-term care and residents' rights issues; and
 - (f) Promoting citizen involvement in order to ensure regular visitations, especially for those residents without available family or friends; and
 - (7) Implement accurate recordkeeping procedures to assure that:
 - (a) An accurate record shall be maintained on each participant which documents:
 1. Participant identification data;
 2. Requests for assistance~~[service]~~;
 3. Eligibility for services provided;
 4. Follow-up; and
 5. Closure;
 - (b) Reports for the Kentucky long-term care ombudsman are prepared and submitted in a format and time frame as directed;
 - (c) Procedures are followed to protect the identity, confidentiality, and privacy of clients; and
 - (d) Nonclient-specific statistical and financial data is submitted as required.

Section 6. Responsibilities of the Volunteer Ombudsman. The volunteer ombudsman shall:

- (1) Complete required training, including training and certification requirements for those involved in complaint investigation;
- (2) Provide regular visitation of residents in long-term care

facilities;

- (3) Adhere to guidelines provided by the Kentucky long-term care ombudsman and district ombudsmen; and
- (4) Complete required paperwork.

Section 7. Ombudsman Advisory Council. (1) The designated district ombudsman program shall have an advisory council whose functions are to:

- (a) Review and advise programs on policies and procedures;
- (b) Provide ongoing support and leadership; and
- (c) Identify and generate funding resources for program viability.

(2) The advisory council shall be comprised as follows:

- (a) Members shall be persons with a strong interest in improving the quality of life for the long-term care residents[institutionalized elderly] and for protecting their rights;

- (b) Group size and composition shall be individualized to the needs of the local program but shall not be less than seven (7); and

- (c) One-third (1/3) of the members shall be consumers or family members of consumers.

(3) Advisory council members shall not:

- (a) Be responsible for certifying or licensing long-term care facilities;

- (b) Be a provider of long-term care services or part of an association of providers;

- (c) Have any interest or association which may impair the ability of the ombudsman to objectively and independently investigate and resolve complaints;

- (d) Gain economically or receive any compensation from a long-term care facility or association;

- (e) Be on the Adult Protective Services Caregiver Misconduct Registry or the Kentucky Nurse Aid Abuse registry; or

(f) Have been found guilty of the following:

1. A violent crime as defined by KRS 439.3401;
2. Abuse, neglect, or exploitation of another person, including assault;
3. Felony theft offense; or
4. Felony drug offense.

Section 8. Qualifications, Certification, and Training of Long-Term Care Ombudsmen. (1)The Kentucky long-term care ombudsman, regional ombudsman, and district long-term care ombudsman shall:

- (a) Possess a minimum of a bachelor's degree in a health or human services profession from an accredited college or university with:

1. One (1) year experience in health or human services; or
2. The educational or experiential equivalent in the field of aging or physical disabilities; or

- (b) Be a certified regional or district ombudsman with no lapse in certification prior to the effective date of this administrative regulation.

(2) The Kentucky long-term care ombudsman shall meet the qualifications of subsection (1)(a)-(b) of this section and have expertise in:

(a) Long-term services and supports or other direct services for older persons or individuals with disabilities;

(b) Consumer-oriented public policy advocacy;

(c) Leadership and program management skills; and

(d) Negotiation and problem solving skills.

(3) The Kentucky long-term care ombudsman, a district, regional, or volunteer ombudsman, and a friendly visitor shall have a completed background check conducted prior to hire using [for] the following:

- (a) The Adult Protective Services Caregiver Misconduct Registry;

- (b) The Kentucky Nurse Aid Abuse registry; and

- (c) A criminal record check utilizing the Kentucky Administrative Office of the Courts or the Kentucky Justice Cabinet and not have been found guilty of the following:

1. A violent crime as defined by KRS 439.3401;
2. Abuse, neglect, or exploitation of another person, including

assault;

3. Felony theft offense; or

4. Felony drug offense.

(4)[(3)] Program sponsors, sub-contract agency directors, and directors of other sponsoring agencies shall receive basic training whenever possible.

(5)[(4)] The long-term care ombudsman, program staff, and volunteers shall receive a minimum of twenty-four (24) hours of training in order to be eligible for certification as a long-term care ombudsman, including at least the following areas:

- (a) The Older Americans Act of 1965, as amended, and the aging network;

- (b) Characteristics, special needs, and problems of the long-term care resident;

(c) Characteristics of long-term care facilities including:

1. Numbers of beds;

2. Levels of care;

3. Services; and

4. Costs;

(d) The long-term care reimbursement system including:

1. Medicaid;

2. Medicare;

3. SSI; and

4. State supplementation;

- (e) The regulation of facilities and the enforcement of regulations;

- (f) Complaint investigation and resolution;

- (g) Guardianship;

- (h) Residents' rights;

- (i) Development of resident and family [residents'] councils;

- (j) Recruiting, screening, selecting, training, placing, and supporting volunteers; and

- (k) Use of public funds.

(6)[(5)] District ombudsmen shall attend training meetings as established by the Kentucky long-term care ombudsman.

(7)[(6)] All long-term care ombudsmen and volunteers shall be:

- (a) Certified within thirty (30) days of hire or prior to providing services; and

- (b) Re-certified every two (2) years prior to the expiration of the current certification.

(8)[(7)] Certification shall be awarded after submitting certification documentation of:

- (a) Verification of completion of minimum training requirements; and

- (b) A score of at least eighty (80) percent on the certification examination.

Section 9. Confidentiality. Investigatory files, complaints, responses to complaints and other information related to complaints or investigations maintained by the ombudsman program shall be considered confidential information in accordance with the Older Americans Act of 1965, 42 U.S.C. 3027(a)(12)(C). Confidentiality shall be maintained using the following criteria:

- (1) Persons who gain access to a resident's records shall not discuss or disclose information in the records or disclose a resident's identity outside of the program.

- (2) The Kentucky long-term care ombudsman shall release information only with:

- (a) Written consent of the resident; or

- (b) A court order to disclose.

(3) Information shall be secured as follows:

- (a) Complaint files shall be contained in a locked file cabinet;

- (b) Computerized systems shall have secured access codes; and

- (c) Computer software containing confidential information shall be stored in a locked file.

(4) The confidentiality and disclosure criteria shall not preclude the ombudsman's use of otherwise confidential information in the files for preparation and disclosure of statistical, case study, and other data if the ombudsman does not disclose the identity of persons otherwise protected in this section.

Section 10. Rights of Access. (1) Kentucky, regional, volunteer,

and district ombudsmen shall have unrestricted access to long-term care facilities:

- (a) Without prior notice;
- (b) To meet with one (1) or more residents; and
- (c) To observe the operation of the facility as it affects the patient.

(2) Volunteer ombudsmen shall have access to the:

- (a) Residents' dining area;
- (b) Residents' living area;
- (c) Residents' recreational area;
- (d) Lounges; and
- (e) Areas open to the general public.

(3) Certified representatives of the Kentucky Long-term Care Ombudsman Program shall have access to a resident's medical and social records:

(a) With permission of the resident or his legal guardian, except as provided for under KRS 209.030(7); or

(b) By court order.

(4) Access shall not include the right to examine the financial records of the facility without the consent of the administrator.

(5) If the ombudsman is denied entry to a long-term care facility, the administrator or operator shall be informed of the statutory authority for access. If entry is still denied, the ombudsman shall inform the Kentucky long-term care ombudsman, the Office of Inspector General, Division of Health Care, and secure assistance from local law enforcement officials.

(6) Willful interference, as governed by KRS 216.541(3), with representatives of the Kentucky Long-term Care Ombudsman Program in the performance of official duties shall be unlawful and:

(a) Result in a fine of \$100 to \$500 for each violation;

(b) Each day the violation continues shall constitute a separate offense.

Section 11. Referrals. (1) Representatives of the [district] long-term care ombudsman program shall be exempt from making [refer] reports of abuse, neglect, exploitation, or spouse abuse to the Department for Community Based Services, Division of Protection and Permanency, and, if appropriate, the Office of Inspector General, Division of Health Care, for investigation without appropriate consent or court order pursuant to 45 C.F.R Parts 1321 and 1327.

(2) The ombudsman shall seek consent of the resident:

(a) To work to resolve complaints and make referrals to agencies; or

(b) When the ombudsman personally witnesses abuse, gross neglect, or exploitation of the resident.

(3) Communication of consent to reveal the identity of the resident or complainant may be made in writing, orally, or visually.

(4) When the resident is unable to communicate consent and has no resident representative, the ombudsman shall:

(a) Take appropriate steps to investigate complaints that adversely affect the health, safety, welfare, or rights of the resident; and

(b) When appropriate, refer the matter and disclose identifying information of the resident to the management of the facility in which the resident resides or the appropriate agencies in the following circumstances:

1. The ombudsman personally witnesses suspected abuse, gross neglect, or exploitation of a resident and has no evidence indicating that the resident would not wish a referral to be made; and

2. The ombudsman has reasonable cause to believe that disclosure would be in the best interest of the resident.

(5) When the resident is unable to communicate consent and has a resident representative, the ombudsman shall contact the resident representative for consent.

(6) When there is reasonable cause to believe the resident representative through their action, inaction, or decision making may adversely affect the health, safety, welfare or rights of the resident, the ombudsman shall:

(a) Seek permission of the KLTCO or designee during an investigation when a resident is unable to give consent and the resident representative is not acting in the best interest of the

resident; and

(b) Make a referral to the appropriate agencies upon approval of the KLTCO or designee.

(7) Referrals under this subsection shall not affect the continuing duty, full freedom, and independence of the ombudsman to:

(a) Insure the continued adequacy and responsiveness of complaint investigation and resolution, monitoring, and data collection systems consistent with the Older Americans Act;

(b) Maintain an independent capacity to investigate and resolve complaints as governed by Section 13 of this administrative regulation;

(c) Receive and process, on a regular basis, information related to the number, type, and source of complaints, facilities involved, and the manner of complaint resolution; and

(d) Maintain by specific agreement the power, ability, and right to monitor the agency's complaint processing performance and take action necessary to correct and improve deficiencies.

(8)[(2)] District ombudsmen shall address concerns regarding the investigation or resolution of complaints referred under subsection (1) of this section to the Kentucky long-term care ombudsman or designee.

(9)[(3)] District ombudsmen shall make referrals to county attorneys, legal aid agencies, and legal assistance offices.

(10)[(4)] District ombudsman shall report to the Kentucky long-term care ombudsman a referral to the Office of the Attorney General or any federal agency.

Section 12. Receiving Reports. (1) The Kentucky long-term care ombudsman, regional ombudsmen, district ombudsmen, and persons identified and approved by these ombudsmen shall have the authority to provide intake of a complaint.

(2) The person receiving a report shall obtain as much information as possible, making a reasonable effort to obtain the:

(a) Name and location of the long-term care facility involved;

(b) Name and location of the resident;

(c) Name, address, and telephone number of the person responsible for the resident;

(d) Nature of the complaint as specifically as possible;

(e) Name and location of the alleged perpetrator; and

(f) Identity of the reporting source, though reports may be made anonymously.

(3) The person receiving the report may contact other agencies or individuals to secure additional information relevant to the investigation.

Section 13. Complaint Investigation. (1) A long-term care facility resident shall have the right to:

(a) Voice grievances and recommend changes in policies and services to facility staff and outside representatives of their choice, free from restraint, interference, coercion, discrimination, or reprisal;

(b) Associate and communicate privately with persons of their choice; and

(c) Private meetings with the appropriate long-term care facility inspectors from the Cabinet for Health and Family Services.

(2) A long-term care ombudsman shall investigate and resolve complaints:

(a) Made by or on behalf of an elderly individual who is a resident of a long-term care facility relating to action which may adversely affect the health, safety, welfare, and rights of the resident; and

(b) Made by or on behalf of a nonelderly long-term care facility resident if actions will:

1.a. Benefit an elderly resident of that long-term care facility or elderly residents of long-term care facilities generally; or

b. Be the only viable avenue of assistance available to the resident; and

2. Not significantly diminish the Long-term Care Ombudsman Program's efforts on behalf of long-term care residents[elderly persons].

(3) District and volunteer ombudsmen shall not investigate complaints unless certified by the Kentucky Long-term Care

Ombudsman Program.

(4) The Kentucky and regional ombudsmen shall inform the district ombudsmen of on-site investigations conducted in their districts.

(5) The investigation shall be conducted according to the criteria established in this subsection.

(a) Investigation shall include contact with the resident, staff of the long-term care facility, and collateral contacts.

(b) A representative of the program shall, upon entering the facility, promptly notify the administrator or his designated representative of his presence.

(c) A representative of the program shall not enter the living area of a resident without identifying himself to the resident.

(6) The investigating ombudsman, with permission of the resident or resident[legal] representative, shall take steps to investigate a complaint and attempt to resolve the complaint to the resident's satisfaction. Resolution may include:

(a) Collaborating or negotiating at the nursing home administrative level to change particular nursing home behavior, pattern, or practice affecting the resident;

(b) Consulting with a resident, relative, or nursing home staff member to resolve a problem;

(c) Effecting positive enforcement action by a regulatory agency;

(d) Proposing regulatory or statutory changes or additions;

(e) Communicating with community groups and professional organizations; and

(f) Encouraging the utilization of legal services assistance.

(7) Documentation shall be completed on complaint investigations and incorporated into the ombudsman data system as follows:

(a) The documentation entered into the data system shall be entered by the fifteenth (15th) of the month for all cases completed the prior month; and

(b) Documentation of the investigation shall include the:

1. Identity of the resident on whom the report is made;

2. Date the face-to-face visit with the resident was completed;

3. Identity of the long-term care facility;

4. Complaint;

5. Identity of persons interviewed and records or documents reviewed during the course of the investigation;

6. Factual information used to support findings and conclusions; and

7. Actions taken and services provided.

(8) Resolution shall include documented follow-up and ongoing monitoring of the situation for a reasonable period of time, depending on the complexity of the situation, through contact with the complainant or resident or, if appropriate, for the purpose of determining that the causes giving rise to the complaint have not been repeated and have not recurred.

(9) In accordance with KRS 216.541(2) and (3), retaliation and reprisals by a long-term care facility or other entity against an employee or resident for having filed a complaint or having provided information to the Kentucky Long-term Care Ombudsman Program shall be unlawful and:

(a) Shall result in a fine of \$100 to \$500 for each violation; and

(b) Each day a violation continues shall constitute a separate offense.

Section 14. Reporting Requirements. The Kentucky long-term care ombudsman program shall maintain a statewide uniform reporting system to collect and analyze information on complaints and conditions in long-term care facilities for the purpose of identifying and resolving significant problems. (1) The contracted agency providing the district long-term care program shall submit quarterly reports to the Kentucky long-term care ombudsman according to the contractual agreement.

(2) The district ombudsman shall submit an annual report to the Kentucky long-term care ombudsman no later than determined in the contractual agreement for inclusion in the annual state ombudsman report.

Section 15. Monitoring and Evaluation. (1) District long-term

care ombudsman programs shall be monitored annually by the contract agency or the Kentucky long-term care ombudsman according to contract or, if services are provided directly by the Kentucky long-term care ombudsman, by the DAIL.

(2) Formal evaluations of the district ombudsman program shall be conducted at regular intervals, at least annually, by the Kentucky long-term care ombudsman.

(3) The results of the evaluation, omitting client identifying information, shall be made available to the district long-term care ombudsman contracting agency to be used to plan and implement program changes to meet participant needs.

(4) The Kentucky long-term care ombudsman and district long-term care ombudsman contracting agency shall permit staff of the Cabinet for Health and Family Services, persons acting for the Cabinet for Health and Family Services, or staff designated by appropriate federal agencies to:

(a) Monitor and evaluate programs and activities initiated under the Older Americans Act and other programs for which the department has administrative responsibility; and

(b) Interview clients by persons and agencies listed in this subsection, except if confidentiality requirements are applicable

DEBORAH S. ANDERSON, Commissioner

VICKIE YATES BROWN GLISSON, Secretary

APPROVED BY AGENCY: August 12, 2016

FILED WITH LRC: August 12, 2016 at 2 p.m.

CONTACT PERSON: Tricia Orme, Office of Legal Services, 275 East Main Street 5 W-B, Frankfort, Kentucky 40621, phone 502-564-7905, fax 502-564-7573, email tricia.orme@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Persons: Phyllis Sosa (502) 564-6930, ext. 3481, phyllis.sosa@ky.gov; Tricia Orme

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes requirements for administering the Long-Term Care Ombudsman program provided for under the Older Americans Act of 1965 as amended.

(b) The necessity of this administrative regulation: 42 U.S.C. 3001 et seq., the Older Americans Act of 1965, as amended, provides grants to states to provide assistance in the development of new or improved programs for older persons. KRS 205.204 designates the Cabinet for Health and Family Services as the state agency to administer the Older Americans Act in Kentucky. KRS 194A.050 authorizes the Cabinet for Health and Family Services to adopt regulations as necessary to implement programs mandated by federal law. This regulation establishes the Long Term Care Ombudsman program in Kentucky as required by the Older Americans Act of 1965.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation complies with KRS 194A.050(1) which states the secretary shall promulgate administrative regulations necessary to operate programs and fulfill the responsibilities vested in the cabinet. This administrative regulation provides the establishment and operation criteria as required pursuant to 42 U.S.C. 3001 et seq., the Older Americans Act of 1965, as amended.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the Long Term Care Ombudsman program responsibilities. This administrative regulation defines the role of the Kentucky Long Term Care Ombudsman, district, regional and volunteer ombudsmen and the qualifications to serve in the role of an Ombudsman. The duties and responsibilities of the program and individual Ombudsmen are provided in the regulation to ensure statewide consistency in carrying out the provisions of the Long Term Care Ombudsman program as required by the Older Americans Act of 1965, as amended.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative

regulation: This amendment updates definitions and updates the requirements of service provisions to comply with the Older Americans Act of 1965, as amended and the Final Rule.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to comply with the Final Rule.

(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation complies with KRS 194A.050(1) which states the secretary shall promulgate administrative regulations necessary to operate programs and fulfill the responsibilities vested in the cabinet. This administrative regulation provides the establishment and operation criteria as required pursuant to 42 U.S.C. 3001 et seq., the Older Americans Act of 1965, as amended.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation establishes the Long-Term Care Ombudsman program requirements; establishes statewide qualifications of Long-Term Care Ombudsmen at the state, regional, and district level; and complies with the requirements of receiving and investigating complaints of residents in long term care facilities to assist in resolving issues to the complainants satisfaction and working with facilities to meet the needs of the individuals.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation provides for the Long-Term Care Ombudsman program authorized under the Older Americans Act of 1965, as amended for individuals residing in Long-Term Care facilities. There are 524 facilities with 34,000 beds in Kentucky that the Long-Term Care Ombudsman program is responsible for visiting and providing services. This regulation will also affect the fifteen (15) Area Development Districts and the contracted entity designated as the Kentucky Long-Term Care Ombudsman.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The contracted entities that provide the Long-Term Care Ombudsman services will have to establish and comply with policies required by the Final Rule as added to this administrative regulation. The entities operating a long-term care ombudsman program shall annually verify in writing that the staff, volunteers, governing board members, advisory board members, or other parties representing or providing oversight to the long-term care ombudsman program do not have a conflict of interest, and it sets forth the requirement to be met regarding the reporting of abuse, neglect, or exploitation as required by the Final Rule.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There are no anticipated additional costs to the providers.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The residents will have qualified, trained, and professional individuals working to address the needs, complaints, and issues that are voiced by the residents in long term care facilities.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: It will cost approximately \$250,000 initially to implement this regulation.

(b) On a continuing basis: It will cost approximately \$300,000 in FY 2018 and an additional \$50,000 annually thereafter to implement this regulation due to the additional cost of fringe benefits.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Federal and state general funds will be used to implement this regulation and operate this program.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative

regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement this regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering is not applied since policy is administered the same statewide.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? There are 15 Area Agencies on Aging and Independent Living throughout the state, the contracted entity for the Long Term Care Ombudsman Program and the Department for Aging and Independent Living affected by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194A.050, 205.204, 13A.221, and 42 U.S.C. 3001 et seq.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. The amendment will not generate additional revenue or an increase in costs or expenditures.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? The amendment will not generate additional revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? The amendment, itself, will not generate additional revenue.

(c) How much will it cost to administer this program for the first year? It will cost approximately \$250,000 initially to implement this regulation.

(d) How much will it cost to administer this program for subsequent years? It will cost approximately \$300,000 in FY 2018 and an additional \$50,000 annually to implement this program due to the increase costs of fringe benefits.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

PROPOSED AMENDMENTS

AGRICULTURAL EXPERIMENT STATION
(Amendment)**12 KAR 1:116. Sampling, analyzing, testing, and tolerances.**

RELATES TO: KRS 250.021, 250.031, 250.041, 250.051, 250.061, 250.071, 250.081, 250.091, 250.101, 250.111

STATUTORY AUTHORITY: KRS 250.081

NECESSITY, FUNCTION AND CONFORMITY: KRS 250.081(1)(c)2 requires the director to prescribe seed sampling procedures, methods of analysis, testing and examining of seed, and tolerances. This administrative regulation prescribes the methods of sampling, analyzing, and testing seed, and establishes the tolerances to be applied in the administration of the Kentucky Seed Law.

Section 1. Definition. "Kentucky Seed Law" means KRS 250.021 through 250.111 and 12 KAR Chapter 1.

Section 2. The methods of sampling, analyzing, testing, and examining seed to be applied in the administration of the Kentucky Seed Law shall be those established in ["Rules for Testing Seeds"].

Section 3. The tolerances to be applied in the administration of the Kentucky Seed Law shall be those established in ["Rules for Testing Seeds"].

Section 4. Incorporation by Reference. (1) "Rules for Testing Seeds", issued by the Association of Official Seed Analysts in October 2015[2012], is incorporated by reference.

(2) This document may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Regulatory Services, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m.

DR. RICK BENNETT, Director

APPROVED BY AGENCY: August 9, 2016

FILED WITH LRC: August 10, 2016 at 8 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on September 21, 2016 at 9:00 am EST in the conference room of the Division of Regulatory Services, 103 Regulatory Services Building, Lexington, Kentucky 40546-0275. Individuals interested in being heard at this hearing shall notify this agency in writing at least five (5) work 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 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. Written comments shall be accepted through September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Stephen McMurtry, Director of Fertilizer and Seed Programs, Division of Regulatory Services, 103 Regulatory Services Building, Lexington, Kentucky 40546-0275, phone (859) 257-2785, fax (859) 257-7351, email smcmurtry@uky.edu.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephen McMurtry

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation prescribes the seed sampling procedures,

methods of analysis, testing and examining of seed, and tolerances.

(b) The necessity of this administrative regulation: Pursuant to KRS 250.081, the director is required to prescribe seed sampling procedures, methods of analysis, testing and examining of seed, and tolerances. This regulation satisfies that statutory mandate.

(c) How this administrative regulation conforms to the content of the authorizing statutes: Pursuant to KRS 250.081, the director is required to prescribe seed sampling procedures, methods of analysis, testing and examining of seed, and tolerances. This administrative regulation satisfies that mandate by incorporating the "Rules for Testing Seeds", issued by the Association of Official Seed Analysts.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes seed sampling procedures, methods of analysis, testing and examining of seed, and tolerances.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment simply incorporates an update from 2012 version of the "Rules for Testing Seeds" to the 2015 version.

(b) The necessity of the amendment to this administrative regulation: The previously incorporated 2012 version of the "Rules for Testing Seeds" was out of date and needs to be updated with the current 2015 version.

(c) How the amendment conforms to the content of the authorizing statutes: This is an update to the most current version of the "Rules for Testing Seeds".

(d) How the amendment will assist in the effective administration of the statutes: The updated "Rules for Testing Seeds" assists the laboratory in providing the most up to date analytical services in a professional and accurate manner.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Firms which label agricultural seed for sale in Kentucky will be affected by the regulation change.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: None.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No cost should be associated to the industry with this change.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): They will be in compliance with the national standards articulated in the "Rules for Testing Seeds."

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No cost.

(b) On a continuing basis: No continuing costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Division of Regulatory Services regular annual budget is the source of funding.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change if it is an amendment: No increase in fees or funding is necessary to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? No, this administrative regulation treats all regulated entities the same.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? University of Kentucky, Division of Regulatory Services

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 250.081

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. None

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first year? None

(d) How much will it cost to administer this program for subsequent years? None

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: No fiscal impact

**AGRICULTURAL EXPERIMENT STATION
(Amendment)**

12 KAR 1:140. Permits, reports, and fees for persons using own tags.

RELATES TO: KRS 250.021, 250.031, 250.041, 250.051, 250.061, 250.071, 250.081, 250.091, 250.101, 250.111

STATUTORY AUTHORITY: KRS 250.081

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.081(1)(c)7 requires the director of the Agricultural Experiment Station to promulgate procedures for obtaining a permit to label, responsibilities of permit holders, method to be used in determining inspection fees, and the procedure for permit holders to make payment of fees for distributing agricultural seed. This administrative regulation fulfills that statutory mandate.

Section 1. Obtaining Permits. (1) Application for permits to label agricultural seed shall be made on Form RS-68-01 (6/13), ["Application for Permit for User to Provide Own Labels for Agricultural Seed and Mixtures of Agricultural Seed Sold in Kentucky."]

(2) Application for permits to label vegetable seed, flower seed, or combination mulch, seed and fertilizer products shall be made on Form RS-68-02 (6/13), ["Application for Permit for User to Provide Own Labels for Vegetable Seed, Flower Seed, or Combination Mulch, Seed and Fertilizer Products Sold in Kentucky."]

Section 2. Reporting Sales. (1) A person who has been granted a permit to label agricultural seed under Section 1 of this administrative regulation shall:

(a) 1. Submit quarterly reports on Form RS-63-01 until January 1, 2017; or

2. Submit semi-annual reports on Form RS-63-02 beginning January 1, 2017;

1. Form RS-65-02c, until January 1, 2014; or

2. Form RS-63-01, beginning January 1, 2014; and

(b) Pay a labeling and inspection fee determined on the basis

of quantity of seed sold and on the fee schedule established in Section 3 of this administrative regulation.

(2) Quarters shall be from January through March, April through June, July through September, and October through December. An added assessment of twenty-five (25) dollars or ten (10) percent of the unpaid fee, whichever is greater, shall be made for each seed quarterly report received more than forty-five (45) days after the quarter ends.

(3) Semi-annual shall be from January through June, and July through December. An added assessment of twenty-five (25) dollars or ten (10) percent of the unpaid fee, whichever is greater, shall be made for each seed semi-annual report received more than forty-five (45) days after the reporting period ends.

Section 3. Labeling and Inspection Fee. ~~[(1) Until January 1, 2014, the labeling and inspection fee for agricultural seed permit holders shall be:~~

~~(a) For packages weighing one (1) pound and up to and including twenty-five (25) pounds:~~

~~1. Alfalfa, clovers, and grasses (including mixtures): eight (8) cents per package; and~~

~~2. All other seed: four (4) cents per package;~~

~~(b) For packages in excess of twenty-five (25) pounds in weight but not exceeding fifty (50) pounds:~~

~~1. Alfalfa, clovers, and grasses (including mixtures): sixteen (16) cents per package; and~~

~~2. All other seed: eight (8) cents per package;~~

~~(c) For packages in excess of fifty (50) pounds in weight but not exceeding seventy-five (75) pounds:~~

~~1. Alfalfa, clovers, and grasses (including mixtures): twenty (20) cents per package; and~~

~~2. All other seed: twelve (12) cents per package;~~

~~(d) For packages in excess of seventy-five (75) pounds in weight but not exceeding 100 pounds:~~

~~1. Alfalfa, clovers, and grasses (including mixtures): twenty-four (24) cents per package; and~~

~~2. All other seed: sixteen (16) cents per package;~~

~~(e) For packages in excess of 100 pounds and seed distributed in bulk:~~

~~1. Alfalfa, clovers, and grasses (including mixtures): twenty-four (24) cents per 100 pounds; and~~

~~2. All other seed: sixteen (16) cents per 100 pounds.~~

~~(2) Beginning January 1, 2014,] The labeling and inspection fee for agricultural seed permit holders shall be:~~

~~(1)[(a)] For packages weighing one (1) pound and up to and including twenty-five (25) pounds: eight (8) cents per package;~~

~~(2)[(b)] For packages or units of seed in excess of twenty-five (25) pounds in weight and up to and including 100 pounds: twelve (12) cents per package or unit.~~

~~(a)[1.] A unit of corn shall be 80,000 seeds.~~

~~(b)[2.] A unit of soybeans shall be 140,000 seeds; and~~

~~(3)[(c)] For packages in excess of 100 pounds and seed distributed in bulk:~~

~~(a)[1.] Twenty-four (24) cents per 100 pounds; or~~

~~(b)[2.] Twelve (12) cents per unit.~~

Section 4. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Application for Permit for User to Provide Own Labels for Agricultural Seed and Mixtures of Agricultural Seed Sold in Kentucky", RS-68-01, 6/13;

(b) "Application for Permit for User to Provide Own Labels for Vegetable Seed, Flower Seed, or Combination Mulch, Seed, and Fertilizer Products Sold in Kentucky", RS-68-02, 6/13;

~~(c)["Seed Quarterly Report", RS-65-02c; and~~

~~(d)["Seed Quarterly Report", RS-63-01, 8/13; and~~

~~(d) "Seed Semi-Annual Report", RS-63-02, 8/16.~~

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Regulatory Services, 103 Regulatory Services Building, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m.

DR. RICK BENNETT, Director

APPROVED BY AGENCY: August 9, 2016

FILED WITH LRC: August 10, 2016 at 8 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on September 21, 2016 at 9:00 am EST in the conference room of the Division of Regulatory Services, 103 Regulatory Services Building, Lexington, Kentucky 40546-0275. Individuals interested in being heard at this hearing shall notify this agency in writing at least five (5) work 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 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. Written comments shall be accepted through September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Stephen McMurtry, Director of Fertilizer and Seed Programs, Division of Regulatory Services, 103 Regulatory Services Building, Lexington, Kentucky 40546-0275, phone (859) 257-2785, fax (859) 257-7351, email smcmurtry@uky.edu.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephen McMurtry

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes procedures to obtain a permit to label and distribute agricultural seed in Kentucky; to pay inspection fees for agricultural seed based upon amount of seed distributed, and how to obtain a permit to label and distribute vegetable seed, flower seed, or combination mulch, seed, and fertilizer products in Kentucky.

(b) The necessity of this administrative regulation: Pursuant to KRS 250.081, the director is required to establish procedures for obtaining a permit to label, responsibilities of permit holders, method to be used in determining inspection fees, and the procedure for permit holders to make payment of fees for distributing agricultural seed. This regulation satisfies that statutory mandate.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation satisfies the statutory mandate found in KRS 250.081 by establishing a fee structure for permit holders and a method for permit holders to make payment of fees.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The fee structure provides the necessary funding so the citizens of the Commonwealth have access to seed analyses and for the support of the Division to successfully implement the duties of KRS 250.021 to 250.111.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The changes will eliminate quarterly seed reporting and make seed reporting semi-annual.

(b) The necessity of the amendment to this administrative regulation: KRS 250.051 has been updated from quarterly to semi-annual inspection fee reporting.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to KRS 250.051.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will make reporting and collection of sales more easy.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All firms which sell agricultural seed in

Kentucky will be affected by the regulation change.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: All seed will be reported on a semi-annual basis instead of quarterly.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No additional cost, just changing the timing of reporting.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Firms will no longer have to report quarterly sales we move to semi-annual reporting.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No cost.

(b) On a continuing basis: No continuing costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Division of Regulatory Services regular annual budget is the source of funding.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase of fees.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation changes the fee reporting period but not the actual fees reported by labelers of agricultural seed.

(9) TIERING: Is tiering applied? No, this administrative regulation treats all regulated entities the same.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? University of Kentucky, Division of Regulatory Services

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 250.081

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No additional revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No additional revenue.

(c) How much will it cost to administer this program for the first year? This program is already available so no additional cost for the first year.

(d) How much will it cost to administer this program for subsequent years? No additional cost for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): \$0.00

Expenditures (+/-): \$0.00

Other Explanation:

**AGRICULTURAL EXPERIMENT STATION
(Amendment)**

12 KAR 1:155. Schedule of charges for samples submitted for testing.

RELATES TO: KRS 250.021 to 250.111

STATUTORY AUTHORITY: KRS 250.081(1)(c)6

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.081(1)(c)6 requires the director of the Agricultural Experiment Station to promulgate administrative regulations establishing charges for tests of samples submitted to the Kentucky Agricultural Experiment Station Seed Laboratory for testing. This administrative regulation establishes a schedule of charges for service tests, analysis, and examination of seed samples in the Kentucky Agricultural Experiment Station Seed Laboratory.

Section 1. Except as provided by KRS 250.091 which authorizes one (1) free test per year, which will consist of a complete test which includes purity, noxious weed seed examination for Kentucky, and a germination test or the equivalent cost to a complete test, the service charges established in this section shall be assessed for samples submitted to the Kentucky Agricultural Experiment Station Seed Laboratory.

(1) [Until January 1, 2014, the charges established in this subsection shall apply. (a) Basic charge list:

Kind of Seed	Complete Test	Purity and Noxious Weed Test	Germination Only
Alfalfa	\$14.00	\$7.00	\$8.00
Bentgrass	16.00	12.00	8.00
Bermudagrass	16.00	12.00	8.00
Bluegrass	16.00	12.00	10.00
Bromegrass	16.00	12.00	8.00
Cereals	11.00	5.00	7.00
Clovers	14.00	7.00	8.00
Corn	14.00	7.00	8.00
Crownvetch	14.00	7.00	8.00
Fescue	15.00	8.00	8.00
Lespedeza	14.00	8.00	7.00
Lovegrass	16.00	12.00	8.00
Millet	11.00	5.00	7.00
Orchardgrass	18.00	11.00	8.00
Redtop	16.00	12.00	8.00
Ryegrass	18.00	6.00	8.00
Sorghum-Sudangrass	11.00	5.00	7.00
Soybean	12.00	6.00	7.00
Sudangrass	11.00	5.00	7.00
Timothy	14.00	7.00	8.00
Tobacco	16.00	12.00	8.00
Vegetables	14.00	10.00	7.00
Vetch	11.00	5.00	7.00

(b) Nonresidents shall be assessed an additional charge of two (2) dollars per sample.

(c) A complete test shall include a purity analysis, a noxious weed seed examination (for Kentucky only), and a germination test.

(d) A purity and noxious weed test shall include a purity analysis and a noxious weed seed examination (for only those seed designated as noxious in Kentucky).

(e) In ryegrass samples, a complete test shall include a fluorescence test which distinguishes perennial ryegrass seed and annual ryegrass seed.

(f) Mixtures, difficult, or dirty samples may be charged an additional eight (8) dollars per hour for extra separation time. Each component over five (5) percent of the total in mixtures shall be charged individually for germination testing.

(g) Rush service may be provided upon request at an

additional charge of fifteen (15) dollars per sample.

(h) The schedule of charges for special tests shall be:

1. Noxious weed seed examination for Kentucky only: eight (8) dollars;

2. Noxious weed seed examination for any other or for all states: ten (10) dollars;

3. Moisture test: four (4) dollars;

4. Seed count per pound: four (4) dollars;

5. Soybean hypocotyl color test: twelve (12) dollars;

6. Vigor test (accelerated aging): nine (9) dollars;

7. Tetrazolium test: twelve (12) dollars;

8. Phenol test of wheat: twelve (12) dollars;

9. Peroxidase test of soybeans: twelve (12) dollars;

10. Seed or plant tall fescue endophyte:

a. One (1) to fifty (50) specimens of same seed lot or uniquely identified group of plants: thirty-five (35) dollars;

b. Fifty-one (51) to 100 specimens of same seed lot or uniquely identified group of plants: sixty (60) dollars; and

c. 101 to 150 specimens of same seed lot or uniquely identified group of plants: eighty-five (85) dollars; and

11. Reexamination of a sample to secure information not requested initially, or any analysis or test to obtain information not specifically required by the Kentucky Seed Law, KRS 250.021 to 250.111 and 12 KAR Chapter 1, shall be assessed eight (8) dollars per hour for analytical time.

(i) Charges for kinds not listed in this subsection shall be in accord with charges made for other kinds of seed of similar size.

(2) Beginning January 1, 2014, The charges established in this subsection shall apply.

(a) Basic charge list:

Kind of Seed	Complete Test	Purity and Noxious Weed Seed Test	Germination Only
Group 1 Corn and soybeans	\$18.00	\$9.00	\$11.00
Group 2 Small grains	\$14.00	\$7.00	\$9.00
Group 3 Tobacco	\$21.00	\$16.00	\$11.00
Group 4 Clovers, alfalfas, and lespedezas	\$18.00	\$9.00	\$11.00
Group 5 Lawn and forage grasses	\$20.00	\$14.00	\$12.00
Group 6 Native grasses, flowers, and forbs	\$40.00	\$30.00	\$30.00
Group 7 Vegetables	\$18.00	\$13.00	\$12.00
Group 8 Ornamentals (trees, shrubs, and flowers) and herbs	\$30.00	\$18.00	\$20.00

(2) [(b)] Nonresidents shall be assessed an additional charge of fifteen (15) dollars per sample.

(3) [(c)] A complete test shall include a purity analysis, a noxious weed seed examination (for Kentucky only), and a germination test.

(4) [(d)] A purity and noxious weed test shall include a purity analysis and a noxious weed seed examination (for only those seed designated as noxious in Kentucky).

(5) [(e)] In ryegrass samples, a complete test shall be assessed a charge of twenty-five (25) dollars and shall include a fluorescence test which distinguishes perennial ryegrass seed and annual ryegrass seed.

(6) [(f)] Mixtures, difficult, or dirty samples may be charged an additional forty (40) dollars per hour for extra separation time.

(7) [(g)] Mixtures submitted for germination testing shall be charged a fifteen (15) dollar separation fee. Each component over

five (5) percent of the total in mixtures shall be charged individually for germination testing.

(8)(h) Rush service may be provided upon request at an additional charge of twenty-five (25) dollars per sample.

(9)(i) Samples of coated, encrusted, pelleted, film-coated, or treated seed shall be charged an additional fifteen (15)~~ten (10)~~ dollars for hand washing and disposal of toxic substances.

(10)(j) The schedule of charges for special tests shall be:

(a)(1-) Noxious weed seed examinations:

1.(a-) Kentucky only: ten (10) dollars;

2.(b-) Other states: fifteen (15) dollars per state; and

3.(c-) All states: fifty (50) dollars;

(b)(2-) Moisture test: eight (8) dollars;

(c)(3-) Seed count per pound: ten (10) dollars;

(d)(4-) Varietal identification:

1.(a-) Soybean hypocotyl color test: fifteen (15) dollars;

2.(b-) Phenol test of wheat: eighteen (18) dollars; and

3.(c-) Peroxidase test of soybean: eighteen (18) dollars;

(e)(5-) Vigor tests:

1.(a-) Accelerated aging: eighteen (18) dollars;

2.(b-) Cold test: eighteen (18) dollars; and

3.(c-) Conductivity: eighteen (18) dollars;

(f)(6-) Tetrazolium test:

1.(a-) Groups 1 and 2: eighteen (18) dollars;

2.(b-) Groups 4, 5, and 7: thirty (30) dollars; and

3.(c-) Groups 3, 6, and 8: forty (40) dollars;

(g)(7-) Seed or plant tall fescue endophyte. One (1) to 100 specimens: \$115~~(\$100)~~;

(h)(8-) Biotechnology trait identification. Herbicide bioassay: thirty (30)~~twenty-five (25)~~ dollars; and

(i)(9-) Reexamination of a sample to secure information not requested initially, or any analysis or test to obtain information not specifically required by the Kentucky Seed Law, KRS 250.021 to 250.111 and 12 KAR Chapter 1, shall be assessed forty (40) dollars per hour for analytical time.

(11)(k) Testing performed in compliance with International Seed Testing Association (ISTA) rules shall be charged fifteen (15) dollars in addition to test fees.

(12)(l) Testing performed in compliance with Canadian Methods and Procedures (M & P) for Testing Seed shall be charged eighteen (18) dollars in addition to test fees.

(13)(m) Charges for kinds not listed in this subsection shall be in accord with charges made for other kinds of seed of similar size.

DR. RICK BENNETT, Director

APPROVED BY AGENCY: August 9, 2016

FILED WITH LRC: August 10, 2016 at 8 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on September 21, 2016 at 9:00 am EST in the conference room of the Division of Regulatory Services, 103 Regulatory Services Building, Lexington, Kentucky 40546-0275. Individuals interested in being heard at this hearing shall notify this agency in writing at least five (5) work 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 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. Written comments shall be accepted through September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Stephen McMurry, Director of Fertilizer and Seed Programs, Division of Regulatory Services, 103 Regulatory Services Building, Lexington, Kentucky 40546-0275, phone (859) 257-2785, fax (859) 257-7351, email smcmurry@uky.edu.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephen McMurry

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation updates and incorporates the service testing fee schedule for the Kentucky Agricultural Experiment Station Seed Laboratory, and provides requirements for developing and using the fee schedule.

(b) The necessity of this administrative regulation: Pursuant to KRS 250.081, the director is required to promulgate an administrative regulation regarding analytical charges for samples submitted to the Kentucky Agricultural Experiment Station Seed Laboratory. This regulation satisfies that statutory mandate.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation incorporates an extensive fee schedule for patrons and establishes a basis for fee computation, as required by KRS 250.081.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: It is imperative to have fee schedules to control analytical costs and fund the testing offered by the Seed laboratory. Kentucky seedsmen and all citizens of the Commonwealth should have access to seed analysis services on a fair, yet affordable fee-basis and this could not happen without the fees established herein.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The fee schedule has been updated based on general cost accounting principles and compared to national and regional public and private laboratories to ensure fairness and affordability.

(b) The necessity of the amendment to this administrative regulation: The cost of supplies and laboratory consumables have increased over the past several years, the increases in fees have been adjusted accordingly.

(c) How the amendment conforms to the content of the authorizing statutes: The fee schedule has been appropriately updated to ensure analytical fees are fair, current, and reasonable.

(d) How the amendment will assist in the effective administration of the statutes: The updated fee schedule assists the laboratory in providing analytical services in a professional, timely and accurate manner. The fee schedule ensures analytical services are offered on an affordable fee-basis to seed producers, researchers, farmers and gardeners interested in determining the quality of seed.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Use of the Kentucky Agricultural Experiment Station Seed Laboratory is strictly voluntary. Firms and individuals selecting the laboratory for analytical services will be impacted by the regulation change.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Use of the laboratory is voluntary; therefore, only individuals and firms selecting the laboratory are directly impacted by the new fee schedule. Those using the laboratory services will be charged accordingly based on the analytical services requested at sample submission.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): As stated above, use of the laboratory is voluntary and fee charges vary by procedure requested.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Patrons will receive fair, current, and reasonable fees for services provided.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No cost.

(b) On a continuing basis: No continuing costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Division of Regulatory Services regular annual budget is the source of funding.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase of fees or funding is necessary to implement this change.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: Fees have been updated to be fair, current, and reasonable for similar analyses based on internal cost analysis..

(9) TIERING: Is tiering applied? Yes, tiering is applied. Out-of-state firms and individuals pay an additional fee for the laboratory services.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? University of Kentucky, Division of Regulatory Services

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 250.081

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? The revenue generated from this regulation is based on seed submitted for testing to the Division of Regulatory Services. Additional revenue based on samples submitted in previous years would be approximately \$2,500.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? The revenue generated is based on seed submitted for testing. We do not anticipate additional revenue for subsequent years over the first year of implementation.

(c) How much will it cost to administer this program for the first year? This program is already available so no additional cost for the first year.

(d) How much will it cost to administer this program for subsequent years? No additional cost for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): \$2,500.00

Expenditures (+/-): \$0.00

Other Explanation:

GENERAL GOVERNMENT CABINET Board of Nursing (Amendment)

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

RELATES TO: KRS 216B.400(2), (4), 314.011(14), 314.103, 314.142, 314.470, 403.707, 421.500-421.575

STATUTORY AUTHORITY: KRS 314.131(1), 314.142(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1) authorizes the Board of Nursing to promulgate administrative regulations as may be necessary to enable it to carry into effect the provisions of KRS Chapter 314. KRS 314.142(1) requires the board to promulgate administrative regulations to create a Sexual Assault Nurse Examiner Program. This administrative regulation establishes the requirements relating to a sexual assault nurse examiner course and the credentials of a

sexual assault nurse examiner.

Section 1. Definition. "SANE course" means a formal, organized course of instruction that is designed to prepare a registered nurse to perform forensic evaluation of a sexual assault victim fourteen (14) years of age or older and to promote and preserve the victim's biological, psychological, and social health.

Section 2. SANE Course Approval Application. (1) On the form Application for Initial or Continued SANE Course Approval, the applicant for approval of a SANE course shall submit evidence to the board of completion of the requirements for course approval that consists of the following documentation:

(a) Position description and qualifications of the nurse administrator of the SANE course;

(b) Qualifications and description of the faculty;

(c) Course syllabus;

(d) Course completion requirements;

(e) Tentative course presentation dates;

(f) Records maintenance policy; and

(g) Copy of certificate of course completion form.

(2) Nurse administrator of SANE course. A registered nurse, with current, active Kentucky licensure or a multistate licensure privilege pursuant to KRS 314.470, a baccalaureate or higher degree in nursing, and experience in adult and nursing education shall be administratively responsible for assessment, planning, development, implementation, and evaluation of the SANE course.

(3) Faculty qualifications. The course shall be taught by multidisciplinary faculty with documented expertise in the subject matter. The name, title, and credentials identifying the educational and professional qualifications for each instructor shall be provided as part of the application.

(4) Course syllabus. The syllabus shall include:

(a) Course prerequisites, requirements, and fees;

(b) Course outcomes, which shall provide statements of observable competencies, which if taken as a whole, present a clear description of the entry level behaviors to be achieved by the learner;

(c) Unit objectives for an individual, which shall be stated in operational or behavioral terms with supportive content identified;

(d) Content, which shall be described in detailed outline format with corresponding lesson plans and time frame, and which shall be related to, and consistent with, the unit objectives, and support achievement of expected course outcomes;

1. The SANE course shall include:

a. A minimum of forty (40) hours of didactic instruction pursuant to subparagraph 3. of this paragraph; and

b. The clinical practice experience required by subparagraph 2. of this paragraph.

2. Clinical practice. The clinical portion of the course shall include:

a. Detailed genital and anal inspection, including speculum insertion, visualization techniques, and use of equipment supervised by a physician, a physician assistant, an advanced practice registered nurse, or a sexual assault nurse examiner until the student is deemed competent by the supervisor;

b. Sexual assault history taking and examination techniques with evaluation supervised by a physician, a physician assistant, an advanced practice registered nurse, or a sexual assault nurse examiner;

c. Observing live or previously recorded criminal trials and meeting with the Commonwealth Attorney or a representative from the Commonwealth Attorney's office in order to gain an understanding of the trial process including testifying;

d. Meeting with the local rape crisis center and a rape crisis center victim advocate in order to gain an understanding of the services provided to victims by rape crisis centers and the role of an advocate; and

e. Meeting with local law enforcement officers or investigators responsible for investigating reports of rape or sexual assault in order to gain an understanding of the investigative process.

3. The didactic portion of the course shall include instruction consistent with the Sexual Assault Nurse Examiner (SANE)

Education Guidelines. It shall also include:

- a. Application of the Kentucky statewide medical protocol relating to the forensic and medical examination of an individual reporting sexual assault pursuant to KRS 216B.400(2) and (4); and
- b. The victim's bill of rights, KRS 421.500 through 421.575.

(e) Teaching methods with the activities of both instructor and learner specified in relation to the content outline, and which shall be congruent with stated course objectives and content, and reflect the application of adult learning principles;

(f) Evaluation methods, which shall be clearly defined for evaluating the learner's achievement of course outcomes, and which shall include a process for annual course evaluation by students, providers, faculty, and administration; and

(g) Instructional or reference materials required, which shall be identified.

(5) Completion requirements. Requirements for successful completion of the SANE course shall be clearly specified and shall include demonstration of clinical competency. A statement of policy regarding a candidate who fails to successfully complete the course shall be included.

Section 3. (1) Contact hour credit for continuing education. The SANE course shall be approved for contact hour credit which may be applied to licensure requirements.

(2) Approval period. Board approval for a SANE course shall be granted for a four (4) year period.

(3) Records shall be maintained for a period of five (5) years, including the following:

- (a) Provider name, date, and site of the course; and
- (b) Participant roster, containing at a minimum the name, Social Security number, and license number for each participant.

(4) A participant shall receive a certificate of completion that documents the following:

- (a) Name of participant;
- (b) Title of course, date, and location;
- (c) Provider's name; and
- (d) Name and signature of authorized provider representative.

Section 4. Continued Board Approval of a SANE Course. (1) An application for continued approval of a SANE course shall be submitted on the Application for Initial or Continued SANE Course Approval at least three (3) months prior to the end of the current approval period.

(2) A SANE course syllabus shall be submitted with the Application for Initial or Continued SANE Course Approval.

(3) Continued approval shall be based on the past approval period performance and compliance with the board standards described in this administrative regulation.

Section 5. The board may deny, revoke, or suspend the approval status of a SANE course for violation of this administrative regulation.

Section 6. Appeal. If a SANE course administrator is dissatisfied with a board decision concerning approval and wishes a review of the decision, the procedure established in this section shall be followed.

(1) A written request for the review shall be filed with the board within thirty (30) days after the date of notification of the board action which the SANE course administrator contests.

(2) The board, or its designee, shall conduct a review in which the SANE course administrator may appear in person and with counsel to present reasons why the board's decision should be set aside or modified.

Section 7. Requirements for Sexual Assault Nurse Examiner (SANE) Credential. (1) The applicant for the SANE credential shall:

- (a) Hold a current, active registered nurse license in Kentucky or a multistate licensure privilege pursuant to KRS 314.470;
- (b) Have completed a board approved SANE educational course or a comparable course;

1. The board or its designee shall evaluate the applicant's

course to determine its course comparability; and

2. The board or its designee shall advise an applicant if the course is not comparable and specify what additional components shall be completed to allow the applicant to be credentialed;

(c) Complete the Sexual Assault Nurse Examiner Application for Credential;

(d) Pay the fee established in 201 KAR 20:240;

(e) Provide a completed Federal Bureau of Investigation (FBI) Applicant Fingerprint Card and pay the fee required by the FBI that is within six (6) months of the date of the application;

(f) Provide a report from the Kentucky Administrative Office of the Courts, CourtNet Disposition System that is within six (6) months of the date of the application;

(g) Provide a certified copy of the court record of any misdemeanor or felony conviction as required by 201 KAR 20:370, Section 1(3); and

(h) Provide a letter of explanation that addresses each conviction, if applicable.

(2) Upon completion of the application process, the board shall issue the SANE credential for a period ending October 31.

(3) An applicant shall not be credentialed until a report is received from the FBI pursuant to the request submitted under subsection (1)(e) of this section and any conviction is addressed by the board.

Section 8. Renewal. (1) To renew the SANE credential for the next period, each sexual assault nurse examiner shall complete at least five (5) contact hours of continuing education related to the role of the sexual assault nurse examiner or forensic nursing within each continuing education earning period. A provider of a board approved SANE course may offer continuing education related to the role of the sexual assault nurse examiner.

(2) Upon completion of the required continuing education, completion of the Annual Credential Renewal Application: SANE Credential with RN in Kentucky~~(SANE Renewal Application)~~ or Annual Credential Renewal Application: SANE with RN Compact License (Not Kentucky), as applicable, and payment of the fee established in 201 KAR 20:240, the SANE credential shall be renewed at the same time the registered nurse license is renewed.

(3) The five (5) contact hours may count toward the required contact hours of continuing education for renewal of the registered nurse license.

(4) Failure to meet the five (5) contact hour continuing education requirement shall cause the SANE credential to lapse.

Section 9. Reinstatement. (1) If the SANE credential has lapsed for a period of less than four (4) consecutive registered nurse licensure periods, and the individual wants the credential reinstated, the individual shall apply to reinstate the credential by:

(a) Submitting the Sexual Assault Nurse Examiner Application for Credential;

(b) Paying the fee established in 201 KAR 20:240;

(c) Submitting evidence of earning the continuing education requirement referenced in Section 8(1) of this administrative regulation for the number of registered nurse licensure periods since the SANE credential lapsed;

(d) Providing a completed Federal Bureau of Investigation (FBI) Applicant Fingerprint Card and paying the fee required by the FBI that is within six (6) months of the date of the application;

(e) Providing a report from the Kentucky Administrative Office of the Courts, CourtNet Disposition System that is within six (6) months of the date of the application;

(f) Providing a certified copy of the court record of any misdemeanor or felony conviction as required by 201 KAR 20:370, Section 1(3); and

(g) Providing a letter of explanation that addresses each conviction, if applicable.

(2) An applicant shall not be credentialed until a report is received from the FBI pursuant to the request submitted under subsection (1)(d) of this section and any conviction is addressed by the board.

(3) If the SANE credential has lapsed for more than four (4) consecutive licensure periods, the nurse shall complete a SANE

course prior to reinstatement.

Section 10. The board shall obtain input from the Sexual Assault Response Team Advisory Committee concerning any proposed amendment to this administrative regulation as follows:

(1) The board shall send a draft copy of any proposed amendment to the co-chairs of the Sexual Assault Response Team Advisory Committee prior to approval by the board;

(2) The board shall request that comments on the proposed amendment be forwarded to the board's designated staff person within ninety (90) days; and

(3) At the conclusion of that time period or upon receipt of comments, whichever is sooner, the board, at its next regularly-scheduled meeting, shall consider the comments.

Section 11. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Application for Initial or Continued SANE Course Approval", 6/2014, Kentucky Board of Nursing;

(b) "Sexual Assault Nurse Examiner Application for Credential", 8/2016[6/2014], Kentucky Board of Nursing;

(c) "Annual Credential Renewal Application: SANE Credential with RN in Kentucky[SANE Renewal Application]", 8/2016[6/2012], Kentucky Board of Nursing;

(d) "Annual Credential Renewal Application: SANE with RN Compact License (Not Kentucky)", 8/2016[6/2014], Kentucky Board of Nursing; and

(e) "Sexual Assault Nurse Examiner (SANE) Education Guidelines", 2015, International Association of Forensic Nurses.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222-5172, Monday through Friday, 8:00[8:30] a.m. to 4:30 p.m.

JIMMY ISENBERG, President

APPROVED BY AGENCY: August 11, 2016.

FILED WITH LRC: August 15, 2016 at 8 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 23, 2016 at 10:00 a.m. (EST) in the office of the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing five workdays 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 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. Written comments shall be accepted until end of day (11:59 p.m.) September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Nathan Goldman, General Counsel, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, phone (502) 429-3309, fax (502) 564-4251, email nathan.goldman@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Nathan Goldman

(1) Provide a brief summary of:

(a) What this administrative regulation does: It sets standards for Sexual Assault Nurse Examiner (SANE) programs and credentialing requirements.

(b) The necessity of this administrative regulation: It is required by KRS314.142.

(c) How this administrative regulation conforms to the content of the authorizing statutes: By setting standards and requirements.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: By setting

standards and requirements.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: Several of the applications have been updated.

(b) The necessity of the amendment to this administrative regulation: The applications needed updating.

(c) How the amendment conforms to the content of the authorizing statutes: The Board is authorized to make these changes.

(d) How the amendment will assist in the effective administration of the statutes: By updating the applications.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: applicants for credentialing and renewal as a SANE, number unknown.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

The applicants will use the new applications.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no cost, other than the required fees.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): They will be in compliance with the regulation.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There is no additional cost.

(b) On a continuing basis: There is no additional cost.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Agency funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase is needed.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: It does not.

(9) TIERING: Is tiering applied? Tiering was not applied as the changes apply to all equally.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Board of Nursing.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 314.131.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? No additional cost.

(d) How much will it cost to administer this program for subsequent years? No additional cost.

Note: If specific dollar estimates cannot be determined, provide

a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):
Expenditures (+/-):
Other Explanation:

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 2:049. Small game and furbearer hunting and trapping on public[lands and other federally-owned] areas.

RELATES TO: KRS 150.010, 150.092, 150.170, 150.370, 150.399, [150.400, 150.410,] 150.990, 150.995

STATUTORY AUTHORITY: KRS 150.025(1), 150.175(7), (9), 150.360, 150.400, 150.410, 150.620

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make these requirements apply statewide or to a limited area. KRS 150.175(7) and (9) authorize the department to issue licenses, permits, and tags for hunting and trapping. KRS 150.360 requires restrictions on the taking of wildlife and authorizes the department to promulgate administrative regulations establishing the requirements for hunting coyotes at night. KRS 150.400 authorizes the department to establish the types of traps that can legally be used by trappers. KRS 150.410 authorizes the department to regulate trap tags, trap visitation, and trap placement to protect domestic animals. KRS 150.620 authorizes the department to promulgate administrative regulations for the maintenance and operation of the lands the department has acquired for public recreation. This administrative regulation establishes exceptions to statewide small game and furbearer regulations on public areas.

Section 1. Definitions. (1) "Adult" means a person who is at least eighteen (18) years of age.

(2) "Body-gripping trap" means a commercially manufactured spring-loaded trap designed to kill an animal upon capture.

(3) "Dry land set" means a trap that is set so that no portion of the trap touches the water of a stream, river, pond, lake, wetland, or other water course.

(4) "Furbearer" means mink, muskrat, beaver, raccoon, opossum, gray fox, red fox, least weasel, long-tailed weasel, river otter, bobcat, coyote, or striped skunk.

(5) "Upland bird" means a ruffed grouse or northern bobwhite.

(6)[(3)] "Wildlife Management Area" or "WMA" means a tract of land:

(a) Controlled by the department through ownership, lease, license, or cooperative agreement; and

(b) That has "Wildlife Management Area" or "WMA" as part of its official name.

(7)[(4)] "Youth" means a person under the age of sixteen (16) by the date of the hunt.

Section 2. This administrative regulation shall establish exceptions to the statewide requirements established in 301 KAR 2:122, 2:251, and 3:010.

Section 3. General Requirements on a Wildlife Management Area or Outdoor Recreation Area. (1) Except as established in subsection (2) of this section, a person hunting any species during daylight hours, and any person accompanying that hunter, shall comply with hunter orange requirements as established in 301 KAR 2:132, 2:172, and 2:300.

(2) The hunter orange clothing requirement in subsection (1) of this section shall not apply to a person:

(a)[legally] Hunting waterfowl or doves as established in 301 KAR 2:225;

(b) Hunting waterfowl as established in 301 KAR 2:221, 2:222, or 2:226; or

(c) Trapping furbearers as established in 301 KAR 2:251.

(3) There shall be a free youth small game hunting week for seven (7) consecutive days beginning on the Saturday after Christmas, in which a youth may take small game without a hunting license.

(4) There shall be a free youth trapping week for seven (7) consecutive days beginning on the Saturday after Christmas, in which a youth may trap without a trapping license.

(5) A body-gripping trap used as a dry land set shall have a maximum inside jaw spread of five and one-quarter (5.25) inches measured:

(a) In the center of the trap; and

(b) In the unset position.

(6) Dry land sets shall not be placed closer than ten (10) feet apart.

(7) Prior to trapping on a WMA or Outdoor Recreation Area, a person shall complete for each area a KDFWR Public Area Trapping Registration Form obtained from a department office or the department's Web site at fw.ky.gov.

Section 4. Exceptions on Wildlife Management Areas and Outdoor Recreation Areas. (1) Barren River Wildlife Management Area.

(a) The WMA shall be considered to be entirely within the Eastern Zone, as established in 301 KAR 2:122.

(b) Northern bobwhite and rabbit seasons shall be closed after December 31.

(c) On the Peninsula Unit, including Narrows, Goose, and Grass Islands, a person shall not hunt with a breech-loading firearm.

(2) Beaver Creek WMA, including private inholdings.

(a) Ruffed grouse season shall be open from October 1 through December 31.

(b) Northern bobwhite and rabbit seasons shall be closed after December 31.

(c) A person shall hunt coyotes during daylight hours only.

(3) Cane Creek WMA, including private inholdings.

(a) Ruffed grouse season shall be open from October 1 through December 31.

(b) Northern bobwhite and rabbit seasons shall be closed after December 31.

(c) A person shall hunt coyotes during daylight hours only.

(4) Cedar Creek Lake WMA.

(a) Rabbit season shall be closed after December 31.

(b) With the exception of the statewide squirrel season, the area shall be closed to all other small game and furbearer hunting.

(5) Clay WMA.

(a) The area shall be closed for four (4) consecutive days beginning on the first Friday in December to all hunting except archery deer hunting and the pheasant quota hunt established in Section 5 of this administrative regulation.

(b) Rabbit season shall be closed after December 31.

(c) Ruffed grouse and northern bobwhite hunting shall be restricted to quota hunt dates established in Section 5 of this administrative regulation. All other small game hunting shall be closed until 2:00 p.m. on upland bird quota hunt dates.

(d) Pheasant may be taken beginning on the Tuesday following the pheasant quota hunt through December 31.

1. Any person with a valid hunting license may take a pheasant.

2. The daily limit per hunter shall be three (3) birds of either sex.

(e) Quota fox hunting field trials.

1. There shall be a maximum of two (2) four (4) day events per calendar year.

2. Each event shall be limited to 250 participants.

3. The area shall be closed to nonparticipants.

4. A participant shall:

a. Wear a laminated identification badge issued by the department during the event; and

b. Return the laminated badge at the close of the event.

(6) Curtis Gates Lloyd WMA.

(a) Northern bobwhite and rabbit seasons shall be closed after

December 31.

(b) A person shall not allow a dog to be unleashed from April 1 until the third Saturday in August except if squirrel hunting.

(7) Dix River WMA.

(a) Northern bobwhite and rabbit seasons shall be closed after December 31.

(b) Ruffed grouse season shall be open from October 1 through December 31.

(8) Fleming WMA.

(a) Northern bobwhite and rabbit seasons shall be closed after December 31.

(b) Ruffed grouse season shall be open from October 1 through December 31.

(9) Green River Lake WMA.

(a) The area shall be closed to all hunting for four (4) consecutive days beginning on the third Friday in November except for archery deer hunting and the pheasant quota hunt established in Section 5 of this administrative regulation.

(b) Northern bobwhite and rabbit seasons shall be closed after December 31.

(c) Pheasant.

1. Beginning on the Tuesday following the pheasant quota hunt through December 31, any person with a valid hunting license may take a pheasant.

2. The daily limit per hunter shall be three (3) birds of either sex.

(d) The area shall be closed to ruffed grouse hunting and trapping.

(10) Higginson-Henry WMA. Northern bobwhite and rabbit seasons shall be closed after December 31.

(11) Kleber WMA. Northern bobwhite and rabbit seasons shall be closed after December 31.

(12) Lake Cumberland WMA.

(a) Ruffed grouse season shall be open from October 1 through December 31.

(b) Northern bobwhite and rabbit seasons shall be closed after December 31.

(13) Mill Creek WMA.

(a) Northern bobwhite and rabbit seasons shall be closed after December 31.

(b) A person shall hunt coyotes during daylight hours only.

(14) Miller-Welch Central Kentucky WMA.

(a) Small game and furbearer hunting seasons shall be closed, except that squirrel season shall be open.

(b) A person shall not allow a dog to be unleashed:

1. From April 1 until the third Saturday in August; or

2. On a Monday, Wednesday, or Friday during the remainder of the year, except:

a. If a person is hunting squirrels during an open season; or

b. If a person is participating in an authorized field trial.

(15) Mullins WMA. Northern bobwhite and rabbit seasons shall be closed after December 31.

(16) Nolin Lake WMA. Northern bobwhite and rabbit seasons shall be closed after December 31.

(17) Otter Creek Outdoor Recreation Area.

(a) Except as authorized by the department, a person shall not enter the area during a deer quota hunt without a valid quota hunt confirmation number.

(b) Northern bobwhite season shall be closed.

(c) Rabbit hunting season shall be from December 1 through December 31.

(d) Trapping season shall be from January 1 through the last day in February.

(e) A person who traps on the area shall:

1. First obtain prior authorization from the area manager; and

2. Only trap in department designated areas.

(f) Except during deer quota hunts, a person shall not use the following to take furbearers:

1. A rifle;

2. Ball ammunition; or

3. Slug ammunition.

(g) A person shall not use a rimfire gun to take small game, except during a deer quota hunt.

(18) Paul Van Booven WMA. The area shall be closed to vehicle access from one (1) hour after sunset until one (1) hour before sunrise.

(19) Peabody WMA.

(a) Northern bobwhite hunting on the Sinclair Unit shall:

1. Have shooting hours between 7:30 a.m. and 3:00 p.m.; and

2. Be closed on Sunday.

(b) A northern bobwhite hunter on the Sinclair Unit shall:

1. Check in and check out at the Peabody WMA office; and

2. Visibly display a hunting log on the dashboard of the hunter's vehicle.

(20) Pennyrile Forest WMA.

(a) Ruffed grouse season shall be open from December 1 through December 31.

(b) The daily limit shall be two (2).

(21) Pioneer Weapons WMA.

(a) A person shall not hunt with a breech-loading firearm.

(b) A person shall hunt coyotes during daylight hours only.

(22) Redbird WMA. A person shall hunt coyotes during daylight hours only.

(23) Robinson Forest WMA.

(a) Hunting shall not be permitted on the Main Block.

(b) The remainder of the WMA shall be open under statewide requirements.

~~(24) A person shall hunt coyotes during daylight hours only.~~

~~(23)~~ Taylorsville Lake WMA. Northern bobwhite and rabbit seasons shall be closed after December 31.

~~(25)~~ Tradewater WMA.

(a) Ruffed grouse season shall be open from December 1 through December 31.

(b) The daily limit shall be two (2) ruffed grouse.

~~(26)~~ West Kentucky WMA.

(a) A person shall check in daily at a designated check station prior to using an "A" tract.

(b) Northern bobwhite and rabbit seasons shall be closed after December 31 on Tracts 2, 3, 6, and 7.

(c) Northern bobwhite and rabbit seasons shall be open on Tracts 1, 4, 5, and "A" beginning one-half (1/2) hour before sunrise until 1:00 p.m. local time from January 1 through January 10, except if harvest limits are reached prior to January 10.

1. A hunter shall report harvest numbers and total hours hunted to the area supervisor on a daily basis.

2. If a tract is closed prior to January 10, a sign indicating closure shall be posted at the hunter check station at least twenty-four (24) hours prior to the closure.

(d) A person shall not:

1. Use a rifle, ball, or slug ammunition;

2. Operate a vehicle on Tract 6 from February 1 through April 16; or

3. Allow a dog to be unleashed from April 1 until the third Saturday in August, except while squirrel hunting.

~~(27)~~ Yellowbank WMA.

(a) Northern bobwhite and rabbit seasons shall be closed after December 31.

(b) Pheasant may be taken beginning on the Tuesday following the pheasant quota hunt through December 31.

(c) A person shall:

1. Possess a valid hunting license to take pheasant, unless exempt pursuant to KRS 150.170; and

2. Not take more than three (3) pheasants of either sex.

Section 5. Pheasant Quota Hunts. (1) There shall be a pheasant quota hunt on:

(a) Green River Wildlife Management Area for three (3) consecutive days beginning the third Friday in November;

(b) Clay Wildlife Management Area for three (3) consecutive days beginning the first Friday in December; and

(c) Yellowbank Wildlife Management Area for three (3) consecutive days beginning on the second Friday in December.

(2) There shall be a one (1) day clean-up hunt immediately following each of the hunts for pheasant quota hunters drawn for that particular WMA.

(3) Hunt hours for each day shall be from 9:00 a.m. to 4:00

p.m.:

(a) Eastern time for the Green River Wildlife Management Area and Clay Wildlife Management Area hunts; and

(b) Central time for the Yellowbank Wildlife Management Area hunt.

(4) During a quota hunt or clean-up hunt, a person shall wear hunter orange clothing as established in 301 KAR 2:172.

(5) The daily bag limit per hunter shall be two (2) birds of either sex, except there shall be a daily bag limit of three (3) birds of either sex during the one (1) day clean-up hunt.

(6) Pheasant quota hunt procedures.

(a) A person selected for a pheasant quota hunt may hunt on the one (1) day clean-up hunt for that area.

(b) A person applying for a pheasant quota hunt shall not apply:

1. More than one (1) time for each hunt and shall not be drawn for more than one (1) hunt; and

2. As a group of more than five (5) people.

(c) A person who is drawn to hunt shall pay the pheasant quota hunt permit fee established in 301 KAR 3:022 prior to the hunt.

Section 6. Northern Bobwhite and Upland Bird Quota Hunts.

(1) There shall be one (1) day northern bobwhite quota hunts on one (1) tract of Peabody WMA on the:

(a) Fourth Saturday in November, which shall only be a youth-mentor hunt;

(b) Tuesday following the fourth Saturday in November;

(c) Tuesday following the third Saturday in December;

(d) First Saturday in January;

(e) Second Saturday in January; and

(f) Tuesday following the third Saturday in January.

(2) There shall be one (1) day upland bird quota hunts on Clay WMA on the:

(a) Wednesday following the first Saturday in November;

(b) Third Sunday in November;

(c) Third Saturday in December; and

(d) Fourth Tuesday in December.

(3) A person participating in a quota hunt shall:

(a) Only hunt from one-half (1/2) hour before sunrise to 2:00

p.m.;

(b) Wear hunter orange clothing pursuant to 301 KAR 2:172; and

(c) Not take more than four (4) northern bobwhite on a daily basis.

(4) A person who participates in an upland bird quota hunt:

(a) Shall not take more than four (4) ruffed grouse daily; and

(b) May take woodcock. Woodcock shall only be taken pursuant to the requirements established in 301 KAR 2:225.

(5) A person applying for a northern bobwhite or upland bird quota hunt shall not apply:

(a) More than one (1) time for each hunt and shall not be drawn for more than one (1) hunt; and

(b) As a group of more than three (3) people.

(6) A person selected for a quota hunt shall only hunt the species identified on the permit.

Section 7. General Quota Hunt Requirements. (1) A person applying for a pheasant, northern bobwhite, or upland bird quota hunt shall:

(a) Call the toll-free number listed in the current Fall Hunting and Trapping Guide from a touch tone phone between September 1 and September 30;

(b) Enter each applicant's Social Security number;

(c) Indicate a choice of days to hunt; and

(d) Pay a three (3) dollar application fee for each applicant prior to the drawing by:

1. Check;

2. Money order;

3. Visa; or

4. MasterCard.

(2) A person, prior to participating in a quota hunt, shall be required to show a:

(a) Department-issued quota hunt permit;

(b) Valid Kentucky hunting license or proof of exemption; and

(c) Hunter education card, if required pursuant to 301 KAR 2:185.

(3) A person or group participating in a northern bobwhite or upland bird quota hunt shall submit a hunting log within seven (7) days after the hunt.

(4) A youth-mentor quota hunt party shall have a minimum of one (1) youth as a member of the party.

(5) A person shall comply with all quota hunt requirements or be ineligible to apply for any other quota hunt during the following year, except for an elk quota hunt.

(6) A youth shall only apply as part of a party that has at least one (1) adult.

(7) The department shall extend the application deadline if technical difficulties with the automated application system prevent applications from being accepted for one (1) or more days during the application period.

(8) A quota hunt applicant who is not selected and who applies to hunt the following year shall be given one (1) preference point for each year the applicant was not selected.

(9) A random selection of hunters with preference points shall be made for each year's quota hunts before those without preference points are chosen.

(10) A person shall forfeit all accumulated points if, in a given year, the person does not apply for the hunt in which points were earned.

Section 8. Dog Training Areas on Wildlife Management Areas.

(1) A group or club may request that a dedicated dog training area be authorized by the department on a specific WMA.

(2) The department shall authorize a dog training area if:

(a) The department approves a suitable location for the dog training area; and

(b) A signed memorandum of understanding is entered into with the club or group.

(3) The conditions established in this subsection shall apply for each dog training area on a WMA.

(a) All northern bobwhite quail to be used in training shall be banded with aluminum leg bands and individually placed in the dog training area.

(b) Dog training areas shall remain open to all other legal WMA uses.

(c) A person shall comply with all dog training area requirements pursuant to 301 KAR 2:041, unless otherwise stated in the memorandum of understanding.

(d) Unleashed dogs shall be allowed within the boundaries of the dog training area year-round, except for:

1. May 15 through August 15;

2. The youth statewide turkey season; and

3. The statewide turkey season.

(e) Released northern bobwhite quail with aluminum leg bands, chukars, pheasants, or pigeons may be harvested on legal dog training days.

(f) Immediately prior to dog training, a person shall:

1. Walk and examine the entire dog training area to ensure that no wild northern bobwhite quail are present; and

2. Then place released birds in the training area.

Section 9. General Requirements on Federally Owned Areas.

(1) Season dates, bag limits, and other requirements of 301 KAR 2:251, and 2:050 shall apply except as otherwise established in this administrative regulation.

(2) Hunter orange requirements established in Section 3 of this administrative regulation shall apply to a person hunting or trapping on federal areas referenced in this section.

(3) A person shall:

(a) Obtain permission from the landowner before hunting;

(b) Not hunt except on assigned dates and in assigned areas; and

(c) Comply with all requirements established by the agency controlling the area.

Section 10. Exceptions on Specific Federally Owned Areas. (1)

If hunting is not prohibited by other area priorities, Fort Campbell, Fort Knox, Land Between the Lakes National Recreation Area, Bluegrass Army Depot, and Reelfoot National Wildlife Refuge may allow hunting if in compliance with 301 KAR 2:122 and 2:251 for:

- (a) Squirrels, from June 1 through June 14;
- (b) Northern bobwhite and rabbit, no earlier than November 1 nor later than the last day of February;
- (c) Furbearers, no earlier than October 1 nor later than the last day of February;
- (d) Frogs, year round; or
- (e) Crows, for a maximum of 124 days between September 1 and the last day of February.

(2) A person shall hunt coyotes during daylight hours only on lands managed by:

- (a) Daniel Boone National Forest;
- (b) George Washington and Jefferson National Forests;
- (c) Land Between the Lakes National Recreation Area;
- (d) Clarks River National Wildlife Refuge; and
- (e) Reelfoot National Wildlife Refuge.

(3) Fort Knox shall not allow more than thirty (30) days of ruffed grouse hunting between October 1 and the last day of February.

(4) On Land Between the Lakes National Recreation Area, a person hunting the species listed in this administrative regulation shall not use:

- (a) Crossbows;
- (b) Shotgun slugs or shot larger than BB; or
- (c) Center-fire rifles or center-fire handguns, except during designated groundhog or coyote hunts.

(5) Big South Fork National River and Recreation Area.

(a) Ruffed grouse season shall be open from October 1 through December 31.

(b) Northern bobwhite and rabbit seasons shall be closed after December 31.

(c) A person hunting coyotes shall comply with any federal requirements established by the National Park Service.

Section 11. Incorporation by Reference. (1) "KDFWR Public Area Trapping Registration Form", 2016 edition, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. Eastern time.

GREGORY K. JOHNSON, Commissioner

DON PARKINSON, Secretary

APPROVED BY AGENCY: August 8, 2016

FILED WITH LRC: August 12, 2016 at 2 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 22, 2016 at 10 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business 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 through September 30, 2016. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Mark Cramer, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Mark Cramer

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes exceptions to statewide hunting and trapping regulations for small game and furbearers on public land and other federally owned areas.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to properly manage small game and furbearer populations, and to provide reasonable hunting and trapping opportunity on public lands.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the Department to promulgate administrative regulations establishing open seasons for the taking of wildlife, to regulate bag limits, and to make these requirements apply to a limited area. KRS 150.175 (7) and (9) authorize the department to issue licenses, permits, and tags for hunting and trapping. KRS 150.360 requires restrictions on the taking of wildlife and authorizes the department to promulgate administrative regulations establishing the requirements for hunting coyotes at night. KRS 150.400 authorizes the department to establish the types of traps that can legally be used by trappers. KRS 150.410 authorizes the department to regulate trap tags, trap visitation, and trap placement to protect domestic animals. KRS 150.620 authorizes the department to promulgate administrative regulations for the maintenance and operation of lands it has acquired for public recreation.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in administering the above statutes by defining exceptions to the statewide seasons, bag limits, and methods used to hunt and trap small game and furbearers on public lands in Kentucky.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment establishes smaller size restrictions on dry land body-gripping traps used on public lands, and establishes a standard means of registration for persons trapping on department-owned or operated Wildlife Management Areas and Outdoor Recreation Areas. This amendment allows a person to hunt coyotes after daylight hours on Robinson Forest WMA. In addition, this amendment restricts coyote hunting on Redbird WMA to daylight hours only. It also contains modifications to conform with administrative regulation style requirements.

(b) The necessity of the amendment to this administrative regulation: The amendment will reduce potential conflict between fur trappers and those who hunt with dogs by reducing the maximum size for dry land body-gripping traps used on department-owned or operated Wildlife Management Areas and Outdoor Recreation Areas. Likewise, establishing a registration process for trappers on those areas will further minimize potential for conflicts with other user groups on those public areas. This amendment also clarifies that coyotes shall not be hunted after daylight hours on Redbird WMA, but may be hunted after daylight hours on Robinson Forest WMA. Redbird WMA is managed by the U.S. Forest Service and they have requested coyotes not be hunted after daylight hours on these federal properties.

(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All those who hunt or trap furbearers will be affected by this regulatory amendment. The Department sold 3,390 trapping licenses during the 2013-14 license year. Those individuals who hunt furbearers on public lands would also be affected, but that number is unknown.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an

amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: A trapper using body-gripping traps on a Wildlife Management Area or Outdoor Recreation Area shall now be restricted to the use of traps that are no larger than the standard 110 conibear-type trap when trapping on dry land. In addition, all persons must submit to the department a completed KDFWR Public Area Trapping Registration Form before trapping on Wildlife Management Areas or Outdoor Recreation Areas. In addition, coyotes may now be hunted after daylight hours on Robinson Forest WMA and only during daylight hours on Redbird WMA.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no direct cost to hunters and trappers as a result of this amendment to the administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): New restrictions for body-gripping traps on public lands will minimize potential for the capture of non-target species. Trapper registration on public lands will allow the department to estimate trapping pressure on department WMAs and Outdoor Recreation Areas.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no administrative cost to the department to implement this administrative regulation.

(b) On a continuing basis: There will be no cost to the department on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment. It will not be necessary to increase any other fees or to increase funding to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees established.

(9) TIERING: Is tiering applied? No. Tiering was not applied because all furbearer hunters and trappers in Kentucky must abide by the same seasons, methods of take, bag limits, harvest recording procedures, and checking requirements.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Fish and Wildlife Resources Divisions of Wildlife and Law Enforcement will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. 150.025(1), 150.175(7), (9), 150.360, 150.400, 150.410, 150.620.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No additional revenue is expected to be generated by this administrative regulation during the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? The amount of revenue generated by this administrative regulation for subsequent years is expected to be stable to slightly increasing.

(c) How much will it cost to administer this program for the first year? There will be no administrative cost to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no administrative costs incurred in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): None.

Expenditures (+/-): None.

Other Explanation:

TOURISM, ARTS AND HERITAGE CABINET Kentucky Department of Fish and Wildlife Resources (Amendment)

301 KAR 2:251. Hunting and trapping seasons and limits for furbearers.

RELATES TO: KRS 150.170, 150.180, 150.370, 150.399, 150.415, 150.416, 150.990, 150.995

STATUTORY AUTHORITY: KRS 150.025(1), 150.175(7), (9), 150.360, 150.400, 150.410

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make these requirements apply to a limited area. KRS 150.175(7), (9) authorizes the department to issue licenses, permits, and tags for hunting and trapping. KRS 150.360 requires restrictions on the taking of wildlife and authorizes the department to promulgate administrative regulations establishing the requirements for hunting coyotes at night. KRS 150.400 authorizes the department to establish the types of traps that can legally be used by trappers. KRS 150.410 authorizes the department to regulate trap tags, trap visitation, and trap placement to protect domestic animals. ~~KRS 150.360 requires restrictions on the taking of wildlife and authorizes the department to promulgate administrative regulations establishing the requirements for hunting coyotes at night.~~ This administrative regulation establishes seasons, bag limits, ~~and~~ legal methods of take, and checking and recording requirements for hunting and trapping furbearers.

Section 1. Definitions. (1) "Body-gripping trap" means a commercially manufactured spring-loaded trap designed to kill the animal upon capture.

(2) "Dry land set" means a trap that is ~~not~~ set so that no portion of the trap touches the ~~[to submerge an animal in]~~ water of a stream, river, pond, lake, wetland, or other water course ~~[upon capture]~~.

(3) "Foothold trap" means a commercially manufactured spring-loaded trap with smooth, metallic or rubber soft-catch jaws that close upon an animal's foot.

(4) "Furbearer" means mink, muskrat, beaver, raccoon, opossum, gray fox, red fox, least weasel, long-tailed weasel, river otter, bobcat, coyote, or striped skunk.

(5) "Hunter" means a person legally taking ~~[hunting]~~ furbearers ~~[with gun, gun and dog, bow and arrow, dog, or]~~ by means other than trapping ~~[falconry]~~.

(6) "Otter Zone 1" means the following counties: Anderson, Ballard, Bath, Boone, Bourbon, Bracken, Breckinridge, Bullitt, Caldwell, Calloway, Campbell, Carlisle, Carroll, Christian, Crittenden, Daviess, Fayette, Fleming, Franklin, Fulton, Gallatin, Grant, Graves, Grayson, Hancock, Hardin, Harrison, Henderson, Henry, Hickman, Hopkins, Jefferson, Kenton, Larue, Livingston, Lyon, Marshall, Mason, McCracken, McLean, Meade, Muhlenberg, Nelson, Nicholas, Ohio, Oldham, Owen, Pendleton, Robertson, Rowan, Scott, Shelby, Spencer, Trigg, Trimble, Union, Webster, and Woodford.

(7) "Otter Zone 2" means all Kentucky counties not included in subsection (6) of this section.

(8) "Snare" means a wire, cable, or string with a knot, loop, or a single piece closing device, the deployment of which is or is not spring-assisted, but any spring-assisted device is not for the

purpose of applying tension to the closing device.

(9) "Squaller" means a hand-operated, mouth-operated, or electronic call capable of mimicking the vocalizations of furbearers.

(10) "Trap" means a body-gripping trap, box trap, deadfall, foothold trap, snare, or wire cage trap used to catch furbearers.

(11) "Water set" means a trap set ~~in the~~to submerge an animal in water of a river, stream, pond, lake, wetland, or other water course so that a portion of the trap body is underwater~~[upon capture]~~.

(12) "Youth" means a person who has not reached sixteen (16) years of age.

Section 2. License~~Hunting~~ Requirements.~~[(1)]~~ Unless exempted by KRS 150.170, a person shall carry proof of purchase of a:

- (1) Valid hunting license while hunting furbearers; ~~or~~
- (2) Valid trapping license while trapping furbearers.

Section 3. Furbearer Hunting Seasons. Except as established in 301 KAR 2:049, a person shall only take furbearers by hunting during the seasons established in subsections (1) through (5) of this section:

(1) Bobcat, from one-half (1/2) hour before sunrise on the fourth Saturday in November through the last day of February;

(2) Coyote, year-round;

(3) Raccoon and opossum, October 1 through the last day of February;

(4) All other furbearers except as established in subsection (5) of this section, from one-half (1/2) hour before sunrise on the third day of modern gun deer season through the last day of February; ~~and~~

(5) Furbearers taken by falconry, September 1 through March 30.

Section 4. Furbearer Trapping Season. Except as established in 301 KAR 2:049, a person shall only take furbearers by trapping from one-half (1/2) hour before sunrise on the third day of the modern gun deer season through the last day of February.

Section 5. License-Exempt Youth Season. For seven (7) consecutive days beginning on the Saturday after Christmas, a youth may hunt or trap furbearers without a license, but all other statewide requirements shall apply.

Section 6. Legal Hunting Weapons. Except as established in Section 7(8) of this administrative regulation~~[(2) Unless established in subsection (10) of this section]~~, a hunter shall only use the weapons established in subsections (1)~~[paragraphs (a)]~~ through (7)~~[(f)]~~ of this section~~[subsection]~~ to hunt~~[take]~~ furbearers:

- (1)~~[(a)]~~ Centerfire gun;
- (2)~~[(b)]~~ Rimfire gun;
- (3)~~[(c)]~~ Shotgun;
- (4) Muzzleloader;
- (5)~~[(d)]~~ Bow and arrow;
- (6)~~[(e)]~~ Crossbow; or
- (7)~~[(f)]~~ An air gun using pellets at least .22 caliber in size.

Section 7. Hunter Restrictions. (1)~~[(3)]~~ Furbearers may be taken during daylight hours only, except for the following, which may also be taken after daylight hours:

- (a) Coyote;
- (b) Opossum; or
- (c) Raccoon.

(2)~~[(4)]~~ A person shall not take a raccoon or opossum during daylight hours during the modern gun deer season, as established in 301 KAR 2:172.

(3)~~[(5)]~~ A person hunting~~[hunter]~~ in a boat shall not use a light in conjunction with taking a raccoon or opossum.

(4)~~[(6)]~~ A person shall not use the following while chasing a raccoon or opossum from noon on March 1 through September 30;

- (a) A firearm;
- (b) Slingshot;
- (c) Tree climber; or

(d) Any device to kill, injure, or force a raccoon or opossum from a tree or den.

~~[(5)]~~~~[(7)]~~ A person may use a squaller year-round.

~~[(6)]~~~~[(8)]~~ There shall not be a closed season on:

(a) Chasing red and gray foxes during daylight hours for sport and not to kill; or

(b) Chasing raccoons or opossums for sport and not to kill.

~~[(7)]~~~~[(9)]~~ A hunter may use a hand or mouth-operated call, electronic call, or any other attracting device during a furbearer hunting season.

~~[(8)]~~~~[(10)]~~ A person may take a coyote after daylight hours, with the following restrictions:

(a) A person shall not use artificial light or other means designed to make wildlife visible at night from June 1 through January 31;

(b) Any artificial light or other means designed to make wildlife visible at night shall not be connected to or cast from a mechanized vehicle;

(c) A person shall not use any weapon other than a shotgun; and

(d) A person shall not use a shell with a single projectile.

Section 8. Legal Traps~~[3. Trapping Methods and Requirements]~~. (1)~~[(1)]~~ Unless exempted by KRS 150.170, a person shall carry proof of purchase of a valid trapping license while trapping furbearers. (2) A person who is trapping with a dry land set shall only use traps as established in paragraphs (a) through (e) of this subsection~~[not]~~:

(a)~~[(a)]~~ Set traps closer than ten (10) feet apart; or

(b) Use any trap except for the following:

4. Deadfall;

~~[(b)]~~~~[(2)]~~ Wire cage or box trap;

~~[(c)]~~~~[(3)]~~ Foothold trap with a maximum inside jaw spread of six (6) inches measured perpendicular to the hinges;

~~[(d)]~~ A snare; or

(e) Except as established in 301 KAR 2:049, a~~[(4)]~~ body-gripping trap with a maximum inside jaw spread of seven and one-half (7.5) inches measured parallel with the trigger;

1. In the center of the trap; and

2. In the unset position~~[-]~~; or

5. A snare.

~~[(2)]~~~~[(3)]~~ There shall be no restrictions on the size or type of trap used as a water set.

Section 9. Trapper Restrictions. (1)~~[(4)]~~ A trap shall not be set in a trail or path commonly used by a human or a domestic animal.

~~[(2)]~~~~[(5)]~~ A trapper may use lights from a boat or a vehicle in conjunction with trapping furbearers.

Section 10. Hunter Orange. A person trapping furbearers shall be exempt from hunter orange clothing requirements as established in 301 KAR 2:132, 2:172, and 2:300.

Section 11. Trap Tags. (1) Each trap shall have a metal tag attached to it that clearly shows~~[(1)]~~ of the following:

(a) The name and address of the person setting, using, or maintaining the trap; or

(b) A wildlife identification number issued by the department and the 1-800-25ALERT department hotline phone number.

(2) A person applying for a wildlife identification number shall apply by:

(a) Completing the Wildlife Identification Number for Trap Tags – Application available on the department's Web site at~~[(www)]~~ fw.ky.gov; or

(b) Calling the department's information center at 1-800-858-1549.

(3) The following information shall be required for a person to apply for a wildlife identification number:

- (a) Name;
- (b) Current home address;
- (c) Social Security number;
- (d) Current phone number;
- (e) Date of birth; and

- (f) Driver's license number, if available.
- (4) A person shall:
 - (a) Not use a trap tag that has an inaccurate or outdated address;
 - (b) Not use a trap tag that has a wildlife identification number that corresponds to an inaccurate or outdated address or phone number; and
 - (c) Contact the department to provide updated address and phone number.
- (5) A wildlife identification number shall be valid for the life of the holder.

~~[Section 5. Hunting Season Dates. Except as established in 301 KAR 2:049, a person shall not take the following wildlife except during the dates established in this section:~~

- ~~(1) Bobcat: from one-half hour before sunrise on the fourth Saturday in November through the last day of February;~~
- ~~(2) Coyote: year round;~~
- ~~(3) Raccoon and Opossum: October 1 through the last day of February;~~
- ~~(4) All other furbearers except as established in subsection (5) of this section: from one-half hour before sunrise on the third day of the modern gun deer season through the last day of February; or~~
- ~~(5) Furbearers taken by falconry: September 1 through March 30.~~

~~Section 6. Trapping Season Dates. Except as established in 301 KAR 2:049, a person shall not take furbearers except from one-half hour before sunrise on the third day of the modern gun deer season through the last day of February.~~

~~Section 7. License-Exempt Season for Youth. For seven (7) consecutive days beginning on the Saturday after Christmas, a youth may hunt or trap furbearers without a license, but all other statewide requirements shall apply.]~~

Section 12.[8-] Bag Limits. (1) There shall not be a bag limit on furbearers except as established in subsections (2) through (6) of this section.

- (2)[(4)] A person shall not take more than five (5) bobcats per season, no more than three (3) of which shall be taken with a gun.
- (3)[(2)] A person shall not take more than ten (10) river otters per season in Otter Zone 1.
- (4)[(3)] A person shall not take more than six (6) river otters per season in Otter Zone 2.
- (5)[(4)] The total river otter bag limit per season shall be ten (10) per person, only six (6) of which can be taken from Otter Zone 2.
- (6)[(5)] A falconer hunting within the falconry season, but outside the dates specified in Section 3(3)[5(3)] and (4) of this administrative regulation, shall not take more than two (2) of any furbearer per day.

Section 13.[9-] Harvest Recording. (1) Immediately after harvesting[taking] a river otter or bobcat, and prior to[before] moving the carcass, a person shall record in writing the[following information]:

- (a)[The] Species;
- (b)[The] Date;
- (c)[The] County where taken; and
- (d)[The] Sex of the river otter or bobcat.
- (2) The information required by subsection (1)(a) through (d) of this section shall be documented on[animal.](2) ~~The information listed in subsection (1) of this section shall be recorded on one (1) of the following]:~~
 - (a) The hunter's log section on the reverse side of a license or permit;
 - (b) A[The] hunter's log printed from the department's Web site at fw.ky.gov[section in the current hunting and trapping guide];
 - (c) A hunter's log available from any KDSS agent; or
 - (d) An index card or similar card.
- (3) A person shall retain and possess the completed hunter's log while hunting or trapping during the current season.

Section 14.[10-] Checking a River Otter or Bobcat. (1) A person who harvests[takes] a river otter or bobcat shall check each animal by:

(a) Completing[Check each animal by calling] the telecheck process after calling 800-245-4263 or completing the check-in process on the department's Web site at fw.ky.gov:

1. Before midnight[toll-free number listed in the current hunting and trapping guide] on the day the river otter or bobcat is recovered[harvested];

2. Prior to processing the carcass[(b) Provide the information requested by the automated check-in system]; and

3. Prior to transporting the raw fur, pelt, or unskinned carcass out of Kentucky; and

(b) Writing[(c) Write] the check-in confirmation number[provided by the automated check-in system] on the hunter's log as established in Section 13[9] of this administrative regulation.

(2) A person who intends to sell the raw fur of a river otter or bobcat to a licensed fur processor, fur buyer, or taxidermist or wishing to export a river otter or bobcat pelt outside the United States shall:

(a) Contact the department and request a Convention on International Trade of Endangered Species of Flora and Fauna (CITES) tag by providing:

1. A valid check-in confirmation number as established in subsection (1) of this section; and

2. A street address where the tag is to be mailed; or

(b) Complete[Access the department's Web site at www.fw.ky.gov and complete and submit] the CITES tag request form on[te] the department's Web site at fw.ky.gov[department].

(3) A person who is transferring[intends to transfer to another person] a river otter or bobcat that does not have an attached CITES tag shall attach to the carcass a handmade tag that contains the[following]:

- (a)[The] Confirmation number;
- (b)[The] Hunter or trapper's name; and
- (c)[The] Hunter or trapper's phone number.

(4) A person shall not knowingly provide false information when[while]:

- (a) Completing the hunter's log;
- (b) Checking a river otter or bobcat;[or]
- (c) Completing a CITES tag request form; or
- (d) Creating a handmade carcass tag.

(5) A CITES tag shall be attached to the raw fur, pelt, or unskinned carcass upon receipt of the tag from the department per the instructions provided by the department and remain attached[with the pelt] until it is processed or exported outside the United States.

(6) Possession of an unused CITES tag[that is] issued by the department shall be prohibited.

Section 15.[14-] Transporting and Processing a River Otter or Bobcat. (1) A person shall not sell the raw fur of a river otter or bobcat except to a licensed:

- (a) Fur buyer;
- (b) Fur processor; or
- (c) Taxidermist.

(2) A taxidermist, fur buyer, or fur processor shall:

- (a) Not accept a river otter or bobcat carcass or any part thereof[of a river otter or bobcat] without a proper carcass tag or CITES tag established in Section 14[10] of this administrative regulation; and

(b) Retain[Keep] the[following] information established in subparagraphs 1. through 4. of this paragraph from a hunter or trapper:

- 1. Name;
- 2. Address;
- 3. Confirmation number or CITES tag number; and
- 4. Date received for each river otter or bobcat.

Section 16.[12-] Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Wildlife Identification Number for Trap Tags – Application",

[April] 2014 edition; and

(b) "CITES Tag Request" form, 2014 edition[. is incorporated by reference].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. Eastern time.

GREGORY K. JOHNSON, Commissioner
DON PARKINSON, Secretary

APPROVED BY AGENCY: August 9, 2016

FILED WITH LRC: August 12, 2016 at 2 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 22, 2016 at 9:00 A.M. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business 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 through September 30, 2016. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Mark Cramer, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Mark Cramer

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes season bag limits, legal methods of take, and checking and recording requirements for furbearer hunting and trapping.

(b) The necessity of this administrative regulation: This regulation is necessary to provide adequate furbearer hunting and trapping opportunities and to properly manage furbearer populations in Kentucky.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, regulate bag limits and methods of take, and to make these requirements apply to a limited area. KRS. 150.175(7)(9) authorizes the department to issue licenses, permits, and tags for hunting and trapping. KRS 150.360 requires restrictions on the taking of wildlife and authorizes the department to promulgate administrative regulations establishing the requirements for hunting coyotes at night. KRS 150.400 authorizes the department to promulgate administrative regulations to establish the types of traps that can legally be used by trappers. KRS 150.410 authorizes the department to regulate traps tags, trap visitation, and trap placement to protect domestic animals.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in administering the above statutes by defining the seasons, bag limits, and methods used to trap and hunt furbearers in Kentucky.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment eliminates an existing ten (10) foot spacing requirement between traps set on dry land, amends the definition for "water sets," eliminates hunter orange clothing requirements for trappers, requires CITES tags to be attached to furbearers upon receipt from the department, requires that river

otters and bobcats must be telechecked before leaving Kentucky, and adds muzzleloaders as a legal weapon for taking furbearers. It also contains modifications to conform to administrative regulation style requirements.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to manage hunter and trapper opportunity without negatively impacting the furbearer resource.

(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All those who hunt or trap furbearers may be affected by this regulatory amendment. The Department sold 3,390 trapping licenses during the 2013-14 license year. Those individuals who hunt furbearers would also be affected, but that number is unknown.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: A person trapping on private land may now set traps on dry land without a minimum spacing requirement between traps. Trappers setting traps as "water sets" will need to comply with the definition of a "water set". A person trapping furbearers will no longer be required to wear hunter orange when trapping during a modern firearm season for bear, deer, or elk. A person hunting furbearers may now use a muzzleloader as a legal weapon. Trappers and hunters must also comply with new checking requirements for river otters and bobcats.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no direct cost to hunters and trappers as a result of this amendment to the administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): New trap restrictions will increase trapping efficiency and success. Elimination of the hunter orange clothing requirement for fur trappers will make trap lines less visible to the public and therefore lessen potential for theft of traps. New checking requirements for river otters and bobcats will assist in keeping fur trappers in compliance with federal restrictions that govern the sale of fur. Trappers will also benefit from the new definition of "water set", which is more inclusive of common water trapping methods. Those hunting furbearers will now be able to legally use a muzzleloader when hunting furbearers.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no administrative cost to the department to implement this administrative regulation.

(b) On a continuing basis: There will be no cost to the department on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: It will not be necessary to increase any other fees or to increase funding to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees were established directly or indirectly.

(9) TIERING: Is tiering applied? No. Tiering was not applied because all furbearer hunters and trappers in Kentucky must abide by the same seasons, methods of take, bag limits, harvest recording procedures, and checking requirements.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department's Wildlife Division and Law Enforcement Division will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025(1), 150.175, 150.360, 150.400, and 150.410.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No additional revenue is expected to be generated by this administrative regulation during the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No additional revenue is expected to be generated by this administrative regulation during subsequent years.

(c) How much will it cost to administer this program for the first year? Administrative costs for the first year are expected to remain the same.

(d) How much will it cost to administer this program for subsequent years? Administrative costs for subsequent years are expected to remain the same.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): None.

Expenditures (+/-): None.

Other Explanation:

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(Amendment)

501 KAR 6:020. Corrections policies and procedures.

RELATES TO: KRS Chapters 196, 197, 439

STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640, 532.260

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the Justice and Public Safety Cabinet and Department of Corrections to promulgate administrative regulations necessary and suitable for the proper administration of the department or any of its divisions. These policies and procedures are incorporated by reference in order to comply with the accreditation standards of the American Correctional Association. This administrative regulation establishes the policies and procedures for the Department of Corrections.

Section 1. Incorporation by Reference. (1) "Department of Corrections Policies and Procedures," August 12~~June 14~~, 2016, are incorporated by reference. Department of Corrections Policies and Procedures include:

- 1.2 News Media (Amended 6/10/14)
- 1.4 The Monitoring and Operation of Private Prisons (Amended 5/15/08)
- 2.1 Inmate Canteen (Amended 2/26/16)
- 2.12 Abandoned Inmate Funds (Amended 2/26/16)
- 3.1 Code of Ethics (Amended 12/10/13)
- 3.5 Sexual Harassment and Anti-Harassment (Amended 12/10/13)
- 3.9 Student Intern Placement Program (Amended 8/12/16~~Added 9/13/2010~~)
- 3.10 Appearance and Dress for Nonuniformed Staff

- (Amended 9/13/10)
- 3.11 Drug Free Workplace Employee Drug Testing (Amended 12/10/13)
- 3.14 Employee Time and Attendance Requirements (Amended 6/14/16)
- 3.17 Uniformed Employee Dress Code (Amended 2/26/16)
- 3.22 Staff Sexual Offenses (Amended 12/10/13)
- 3.23 Internal Affairs Investigation (Added 8/25/09)
- 5.1 Research and Survey Projects (Amended 12/10/13)
- 5.3 Program Evaluation and Measurement (Amended 6/9/15)
- 6.1 Open Records Law (Amended 5/14/07)
- 6.2 Inmate Record (Added 8/12/16)
- 8.2 Fire Safety (Amended 3/14/14)
- 8.7 Notification of Extraordinary Occurrence (Amended 3/14/14)
- 9.4 Transportation of Inmates to Funerals or Bedside Visits (Amended 6/9/15)
- 9.6 Contraband (Amended 2/26/16)
- 9.8 Search Policy (Amended 5/13/14)
- 9.13 Transport to Court - Civil Action (Amended 07/09/07)
- 9.18 Informants (Amended 9/13/10)
- 9.19 Found Lost or Abandoned Property (Amended 10/14/05)
- 10.2 Special Management Inmates (Amended 2/26/16)
- 10.3 Safekeepers and Contract Prisoners (Amended 9/15/04)
- 11.2 Dietary Procedures and Compliance (Amended 3/14/14)
- 11.4 Alternative Dietary Patterns (Amended 3/14/14)
- 13.1 Pharmacy Policy and Formulary (Amended 1/15/15)
- 13.2 Health Maintenance Services (Amended 2/26/16)
- 13.3 Medical Alert System (Amended 3/14/14)
- 13.5 Advance Healthcare Directives (Amended 6/14/16)
- 13.6 Sex Offender Treatment Program (Amended 8/12/16~~5/15/08~~)
- 13.7 Involuntary Psychotropic Medication (Amended 10/14/05)
- 13.8 Substance Abuse Program (Amended 10/12/12)
- 13.9 Dental Services (Amended 10/14/05)
- 13.10 Serious Infectious Disease (Amended 3/14/14)
- 13.11 Do Not Resuscitate Order (Amended 8/9/05)
- 13.12 Suicide Prevention and Intervention Program (Added 8/25/09)
- 13.13 Mental Health Services (Amended 8/12/16~~6/9/15~~)
- 13.15 Inmate Observer Program (Added 8/12/16)
- 14.1 Investigation of Missing Inmate Property (Amended 10/14/05)
- 14.2 Personal Hygiene Items (Amended 8/20/13)
- 14.3 Marriage of Inmates (Amended 2/26/16)
- 14.4 Legal Services Program (Amended 3/14/14)
- 14.5 Board of Claims (Amended 10/14/05)
- 14.6 Inmate Grievance Procedure (Amended 6/14/16)
- 14.7 Sexual Abuse Prevention and Intervention Programs (Amended 6/14/16)
- 15.1 Hair, Grooming and ID Card Standards (Amended 8/12/16~~1/15/15~~)
- 15.2 Rule Violations and Penalties (Amended 8/12/16~~6/14/16~~)
- 15.3 Meritorious Good Time (Amended 8/12/16~~12/13/05~~)
- 15.4 Program Credit (Amended 6/12/12)
- 15.5 Restoration of Forfeited Good Time (Amended 2/26/16)
- 15.6 Adjustment Procedures and Programs (Amended 8/12/16~~3/14/14~~)
- 15.7 Inmate Accounts (Amended 1/15/15)
- 15.8 Unauthorized Substance Abuse Testing (Amended 10/14/05)
- 16.1 Inmate Visits (Amended 10/12/12)
- 16.2 Inmate Correspondence (Amended 8/12/16~~1/15/15~~)
- 16.3 Inmate Access to Telephones (Amended 10/12/12)
- 16.4 Inmate Packages (Amended 8/12/16~~1/15/15~~)

VOLUME 43, NUMBER 3 – SEPTEMBER 1, 2016

- 16.5 Video Visitation (Added 8/12/16)
- 17.1 Inmate Personal Property (Amended 6/14/16)
- 17.2 Assessment Center Operations (Amended 6/9/15)
- 17.3 Controlled Intake of Inmates (Amended 3/14/14)
- 17.4 Administrative Remedies: Sentence Calculations (Amended 8/12/16[4/40/06])
- 18.1 Classification of the Inmate (Amended 1/15/15)
- 18.2 Central Office Classification Committee (Amended 8/20/13)
- 18.3 Confinement of Youthful Offenders (Added 6/9/15)
- 18.5 Custody and Security Guidelines (Amended 6/14/16)
- 18.7 Transfers (Amended 5/13/16)
- 18.9 Out-of-state Transfers (Amended 2/26/16)
- 18.11 Placement for Mental Health Treatment in CPTU or PCU (Amended 6/14/16)
- 18.12 Referral Procedure for Inmates Adjudicated Guilty But Mentally Ill (Amended 2/15/06)
- 18.13 Population Categories (Amended 2/26/16)
- 18.15 Protective Custody (Amended 2/26/16)
- 18.16 Information to the Parole Board (Effective 3/14/14)
- 18.17 Interstate Agreement on Detainers (Amended 07/09/07)
- 18.18 International Transfer of Inmates (Amended 5/14/07)
- 19.1 Governmental Services Program (Amended 10/12/12)
- 19.2 Sentence Credit for Work (Amended 2/26/16)
- 19.3 Inmate Wage/Time Credit Program (Amended 1/15/15)
- 20.1 Educational Programs and Educational Good Time (Amended 8/25/09)
- 21.1 Library Services (Added 3/14/14)
- 22.1 Privilege Trips (Amended 10/14/05)
- 22.2 Recreation and Inmate Activities (Added 3/14/14)
- 23.1 Religious Programs (Amended 8/12/16[8/20/13])
- 25.2 Public Official Notification of Release of an Inmate (Amended 10/14/05)
- 25.3 Prerelease Program (Effective 11/15/06)
- 25.4 Institutional Inmate Furloughs (Amended 07/09/07)
- 25.6 Community Center Program (Amended 8/12/16[07/09/07])
- 25.10 Administrative Release of Inmates (Amended 8/12/16[11/9/10])
- 25.11 Victim Services Notification (Amended 8/25/09)
- 25.12 Home Incarceration Program (Added 8/12/16)
- 26.1 Citizen Involvement and Volunteer Service Program (Amended 10/12/12)

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, Monday through Friday, 8 a.m. to 4:30 p.m.

RODNEY BALLARD, Commissioner

APPROVED BY AGENCY: August 3, 2016

FILED WITH LRC: August 12, 2016 at 2 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 21, 2016, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Amy V. Barker, Assistant General Counsel, Justice & Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, email Justice.RegContact@ky.gov,

phone (502) 564-3279, fax (502) 564-6686.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Amy Barker

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation incorporates by reference the policies and procedures governing the Kentucky Department of Corrections including the rights and responsibilities of employees and the inmate population.

(b) The necessity of this administrative regulation: To conform to the requirements of KRS 196.035, 197.020, 439.470, 439.590, 439.640, and 532.260 and to meet American Correctional Association (ACA) standards requirements.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation governs the operations of the Kentucky Department of Corrections.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation and material incorporated by reference establish the policies and procedures that govern the operations of the Department of Corrections and its institutions. It provides direction and information to Corrections employees and inmates concerning the operations of the department.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment maintains the Kentucky Department of Corrections compliance with ACA standards and updates practices for the department and its institutions.

(b) The necessity of the amendment to this administrative regulation: To conform to the requirements of KRS 196.035 and 197.020 and update practices for the department and its institutions.

(c) How the amendment conforms to the content of the authorizing statutes: The authorizing statutes permit the Secretary of the Cabinet or his delegate and the Commissioner to implement or amend practices or procedures to ensure the safe and efficient operation of the Kentucky Department of Corrections.

(d) How the amendment will assist in the effective administration of the statutes: The amendment provides staff and inmates information concerning the effective and orderly management of the state correctional institutions.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This affects the Kentucky Department of Corrections, 3,992 employees, 24,154 inmates, visitors, volunteers, and others who enter state correctional institutions.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Staff and inmates will have to follow the changes made in the policies and procedures. The institutional employees and inmates of the Department of Corrections will have to change their actions to comply with any operational changes made by this regulation. Others who enter correctional institutions will have to comply with policies and procedures concerning entry, search, contraband and others when they enter an institution.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): An exact cost of compliance is unknown, but it is not anticipated that the amendment to this administrative regulation will increase current costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The operational changes will assist in the effective and orderly management of the state correctional institutions.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: A new notice process for rejected inmate mail is

being implemented by the changes to CPP 16.2. Postage costs are expected to increase by approximately \$1,000 given the amount of inmate mail currently being rejected for the first year. No increase in funding is anticipated to cover this cost.

(b) On a continuing basis: Postage costs for the rejected mail notices are expected to be approximately \$500 on an annual basis after the first year. No increase in funding is anticipated. The decrease in amount is expected due to the fact that DOC will have notified a substantial number of senders and inmates concerning the items that are not allowed.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Kentucky Department of Corrections budgeted funds for the biennium.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is anticipated.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: The regulation establishes fees for inmates, e.g. health services co-pays. In CPP 15.1, the increase in photo ID fee to \$7.50 for the combined inmate ID and inmate electronic lock proximity key card if an inmate changes his physical appearance is expected to increase revenue during the first year by approximately \$845.00. It is expected to be much smaller in subsequent years as the inmates who use this particular card become acclimated to it and it is in use currently at a single institution.

(9) TIERING: Is 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.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The amendments to this regulation impact the operation of the Kentucky Department of Corrections and each state correctional institution.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 196.035, 197.020, 439.470, 439.590, 439.640, and 532.260 260 and to meet American Correctional Association (ACA) standards requirements.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? The amendment to this regulation creates additional revenue for the Kentucky Department of Corrections, but not to any other government entity. In CPP 15.1, the increase in the photo ID fee to \$7.50 for the combined inmate ID and inmate electronic lock proximity key card if an inmate changes his physical appearance is expected to increase revenue on an annual basis by approximately \$845.00.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? It is expected to be much smaller in after the first year as the inmates who use this particular card become acclimated to it and because it is in use currently at a single institution.

(c) How much will it cost to administer this program for the first year? The amendments to this regulation impact how the Kentucky Department of Corrections and state correctional institutions operate. The costs for the amendments are not expected to increase costs for the Kentucky Department of Corrections budgeted funds for the biennium. A new notice process for rejected inmate mail is being implemented by the changes to CPP 16.2. Postage costs are expected to increase by approximately \$1,000

given the amount of inmate mail currently being rejected for the first year.

(d) How much will it cost to administer this program for subsequent years? The amendments to this regulation impact how the Kentucky Department of Corrections and state correctional institutions operate. The costs for the amendment are not expected to increase costs for the Kentucky Department of Corrections budgeted funds for the biennium. Postage costs for the rejected mail notices are expected to be approximately \$500 on an annual basis after the first year. The decrease in amount is expected due to the fact that DOC will have notified a substantial number of senders and inmates concerning the items that are not allowed.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

JUSTICE AND PUBLIC SAFETY CABINET Department of Criminal Justice Training (Amendment)

503 KAR 5:090. Participation: requirements; application; withdrawal.

RELATES TO: KRS 15.440, 15.450

STATUTORY AUTHORITY: KRS 15.450(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.450(1) authorizes the Secretary of the Justice Cabinet or his designated representative to promulgate administrative regulations necessary to the administration of the Kentucky Law Enforcement Foundation Program Fund. This administrative regulation establishes the requirements for application to, participation in, and withdrawal from the fund.

Section 1. Education Requirements. (1) To demonstrate that an officer has completed the education requirement found in KRS 15.440(1)(c), the local unit shall send to the fund administrator:

(a) A copy of the high school diploma issued or recognized by the state department of education; or

(b) A copy of a General Educational Development (GED) certificate ~~[general education diploma]~~ issued by a state department of education.

(2) A police officer who was "grandfathered" into the fund without having to meet the educational requirement found in KRS 15.440(1)(c), who subsequently experiences a separation of employment as a police officer, may regain eligibility to participate in the fund:

(a) Upon reemployment as a police officer by a local unit which is participating in the fund, and completion of the educational requirement found in KRS 15.440(1)(c), if the separation was a result of resignation or dismissal; or

(b) Without completion of the educational requirement found in KRS 15.440(1)(c) if the police officer:

1. Retired pursuant to KRS 61.637; and

2. Is reemployed as a police officer with the same agency no later than twelve (12) months from the initial retirement date.

Section 2. Basic Training Requirement. (1) Time limit.

(a) A local unit that elects to participate in the fund shall require all police officers employed as of the date of the initial participation to demonstrate compliance with the basic training requirement within one (1) year of the date of initial participation. An officer employed after the date of the initial participation shall demonstrate compliance with the basic training requirement within one (1) year of the date of employment.

(b) If extenuating circumstances occur that are beyond the control of an officer, including serious injury or illness, personal tragedy, or agency emergency, the local unit may request an extension of time in which the officer shall complete basic training. The agency shall request an extension, in writing, not less than

thirty (30) days prior to expiration of the one (1) year time limit as established in subsection (1)(a) of this section. The extension of time to be granted shall not exceed 180 days.

(c) The local unit shall be in violation of this subsection if:

1. An officer fails to complete training during the one (1) year period and has not experienced an extenuating circumstance; or
2. An officer fails to complete training prior to expiration of a time extension based upon an extenuating circumstance.

(2) Compliance. A police officer shall demonstrate compliance with the basic training requirement by:

(a) If the officer has never completed basic training, the officer shall successfully complete:

1. The Department of Criminal Justice Training 928[640] hour basic training course; or

2. A basic training course approved and recognized by the council which consists of a minimum of 928[640] hours with a course content equivalent to the Department of Criminal Justice Training 928[640] hour basic training course;

(b) If the officer has successfully completed a Department of Criminal Justice Training basic training course, or another council-approved and recognized basic training course, additional basic training shall not be required if he has:

1. Been continuously employed as a police officer since the completion of that basic training; or

2. Experienced a separation of employment as a police officer for no more than twelve (12) months prior to his present eligibility to participate in the fund;

(c) If the officer has successfully completed a Department of Criminal Justice Training basic training course, or another council-approved and recognized basic training course; and has experienced a separation of employment as a police officer for more than twelve (12) months but less than thirty-six (36) months prior to his present eligibility to participate in the fund, he shall successfully complete the following Department of Criminal Justice Training courses:

1. The twenty-four (24) hour legal update: Penal Code course; and

2. The sixteen (16) hour legal update: Constitutional Procedure course;

(d) If the officer has experienced a separation of employment as a police officer for more than thirty-six (36) months prior to his present eligibility to participate in the fund, he shall successfully complete the following Department of Criminal Justice Training courses:

1. The twenty-four (24) hour legal update: Penal Code course;

2. The sixteen (16) hour legal update: Constitutional Procedure course; and

3. One (1) of the following forty (40) hour courses which is most appropriate for the officer's duty assignment as determined by the fund administrator:

- a. Basic officer skills;
- b. Orientation for new police chiefs; or
- c. Mandatory duties of the sheriff.

(3) If calculating the total number of months of separation and service described in subsection (2)(c) and (d) of this section:

(a) Calculation shall begin effective the first date employed as a police officer and shall include all subsequent months.

(b) For the first or last month of a continuous period of employment or separation:

1. If the number of days of service for a specific month is less than the maximum possible number of regular service days for that month, the officer shall receive credit for a full month of service;

2. If the number of days of separation for a specific month is less than the maximum possible number of regular service days for that month, the month shall not be calculated as a month of separation.

(4) A police officer that is required to meet the requirements of subsection (2)(c) or (d) of this section, shall not be:

(a) Eligible to participate in the fund until meeting those requirements; or

(b) Entitled to back payment[backpayment] of funds from their original hire date.

(5) A police officer who has never completed basic training and

is not eligible to be "grandfathered" into the fund shall not be:

(a) Eligible to participate in the fund until completing the basic training requirement in subsection (2)(a) of this section; or

(b) Entitled to back payment[backpayment] of funds from their original hire date.

(6) A police officer who was "grandfathered" into the fund without having to meet the basic training requirement found in KRS 15.440(1)(d), shall not be required to demonstrate compliance with the basic training requirement to regain eligibility to participate in the fund if the police officer:

(a) Retired pursuant to KRS 61.637; and

(b) Is reemployed as a police officer with the same agency no later than twelve (12) months from the initial retirement date.

Section 3. In-service Training Requirement. (1) A local unit that elects to participate in the fund shall:

(a) Require all police officers employed as of the date of initial participation, and all officers employed after the date of initial participation, to successfully complete the forty (40) hour in-service training requirement each calendar year;

(b) Not be considered to be in violation of this paragraph if an officer's failure to meet the in-service training requirement in a calendar year is due to an extenuating circumstance including serious injury or illness, personal tragedy, or agency emergency.

(2) An officer meeting the requirements of subsection (1)(b) of this section shall be required to meet the in-service training requirement within a reasonable time as determined by the fund administrator or his designee. The reasonable time shall not exceed 180 days from the termination of the extenuating circumstance.

(3) If an officer, under circumstances that are not extenuating, fails to successfully complete forty (40) hours of in-service training in a calendar year:

(a) The fund administrator or his designee shall notify the local unit that the officer must complete the in-service training for the year of delinquency within a reasonable time, but not to exceed 180 days, as determined by the fund administrator or his designee, or else the local unit, if it continues to employ the officer full time, shall be in violation of this paragraph and shall lose its eligibility to participate in the fund.

(b) He shall not:

1. Receive a salary supplement until he makes up the in-service training for the year of delinquency; and

2. Be entitled to receive back pay supplement for the period of nonpayment caused by the delinquency in training.

(4)(a) A police officer who successfully completes a basic training course approved and recognized by the council shall be considered to have fulfilled the in-service training requirement for the calendar year in which the basic training is completed when that completion occurs in the calendar year of the present application for participation in the fund.

(b) An officer who demonstrates compliance with the basic training requirement by completion of a course approved and recognized by the council prior to the calendar year of the present application for participation in the fund, shall complete a forty (40) hour in-service training course for that calendar year in order to remain eligible to participate in the fund.

(c) Earned in-service training hours in excess of the mandatory forty (40) hours per year shall not be carried forward to subsequent calendar years.

(5) If a police officer who is qualified to participate in the fund has his police service terminated due to resignation or dismissal before he meets his in-service training requirement for the calendar year, he shall still be eligible to participate in the fund for that part of the calendar year during which he was employed as a police officer.

(6)(a) Except for courses as authorized in paragraph (b) of this subsection, a police officer shall not, for fund eligibility purposes, take the same in-service training course that he has successfully completed in a previous year for fund eligibility purposes unless at least three (3) years have passed since the earlier course was completed.

(b) A police officer may repeat in-service training courses

providing instruction in diminishable skills that the officer has successfully completed in the previous year up to a maximum of sixteen (16) hours as specified in each of the following training areas:

1. Four (4) hours of a course or courses in driver training, including techniques, operational principles, and legal considerations necessary for enhancement of driving skills for law enforcement officers;

2. Four (4) hours of a course or courses in firearms training, including tactical situations, marksmanship, and legal considerations necessary to enhance the skills of law enforcement officers in firearms use;

3. At least one (1) hour, but no more than eight (8) hours, in a course or courses in law enforcement legal update training that shall include training on recent federal and state legislation and regulations, issuance and development of recent case law, and basic legal consideration impacting law enforcement officers in the exercise of their peace officer powers; and

4. No more than seven (7) hours in a course or courses in tactical law enforcement training that may include self-defense techniques, administration of first aid, active shooter tactics and techniques, and de-escalation techniques.

Section 4. Local Ordinance Requirement. (1) To be eligible to participate in the fund, a local unit shall enact an ordinance or resolution requiring the local unit and police department to comply with KRS 15.410 to 15.510 and with 503 KAR Chapter 5.

(2) A certified copy of this local ordinance or resolution shall be submitted by the local unit to the fund administrator along with the application for participation in the fund.

(3) If the local unit has withdrawn from, or lost eligibility to participate in the fund, the previously enacted local ordinance or resolution shall no longer be recognized by the fund administrator, and a new ordinance or resolution shall be submitted with a new application for participation in the fund.

Section 5. Application. A local unit desiring to apply for admission to the fund shall submit an application form to the fund administrator.

Section 6. Withdrawal. (1) To withdraw from the fund, a local unit shall send a written notice of withdrawal to the fund administrator.

(2) The fund administrator or his designee shall acknowledge in writing the receipt of the withdrawal notice.

(3) The withdrawal shall be effective as of the date the withdrawal notice is received by the fund administrator.

(4) Upon withdrawal, a local unit shall return all salary supplement funds received from the fund for which its police officers have not yet become qualified.

Section 7. Audits. (1) A participating agency shall comply with audits if requested by the fund administrator's designee, to demonstrate compliance with 503 KAR Chapter 5.

(2) The audit shall include examination of records of police officer training attendance, and payroll and KLEFPF records.

JOHN TILLEY, Secretary

APPROVED BY AGENCY: August 11, 2016

FILED WITH LRC: August 12, 2016 at 2 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 21, 2016, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. This hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2016. Send written notification of intent to be heard at the public hearing

or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Amy V. Barker, Assistant General Counsel, Justice & Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, email Justice.RegContact@ky.gov, phone (502) 564-3279, fax (502) 564-6686.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Amy Barker

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation provides the training requirements for law enforcement officers to participate in the Kentucky Law Enforcement Foundation Program Fund (KLEFPF).

(b) The necessity of this administrative regulation: KRS 15.440 requires officers participating in KLEFPF to meet training requirements established by the Kentucky Law Enforcement Council (KLEC). KRS 15.450 requires for the Secretary of the Justice and Public Safety Cabinet (Secretary) or his designated representative to promulgate regulations necessary to carry out the responsibilities of administering the KLEFPF.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 15.450(1) states, in part, "[t]he secretary or his or her designated representative shall administer the Law Enforcement Foundation Program fund pursuant to the provisions of KRS 15.410 to 15.510 and may promulgate any administrative regulations as, in his or her judgment, are necessary to carry out his responsibilities..."

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The amendment will enable officers wishing to maintain skill levels to re-take some courses involving diminishable skills and receive credit for training hours previously denied by existing regulation.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment allows for officers to re-take training involving diminishable skills in successive years, up to a maximum of sixteen (16) hours, and receive training credit for KLEFPF purposes. Existing regulation prohibits repeating a training session within a three (3) year period.

(b) The necessity of the amendment to this administrative regulation: The amendment provides additional opportunities for law enforcement personnel to maintain efficiency in skills such as driving, firearms, defensive tactics and first aid; as well as having an annual update to changes in laws that impact their duties.

(c) How the amendment conforms to the content of the authorizing statutes: The authorizing statute is mute concerning the repetition of training. The amendment provides more training opportunities in certain diminishable skills.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will provide additional opportunities for officers to receive training in diminishable skills and receive training credit to satisfy KLEFPF statutory and regulatory mandates.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All law enforcement personnel who are required to be certified peace officers in the Commonwealth will have the benefit of additional training opportunities.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The individual officer and agency can choose whether to take advantage of the opportunities to retrain in diminishable skills since the change in training opportunities is voluntary.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in

question (3): Costs will be associated with the current open market expense of providing fifty (50) bullets per officer, per training session. Firearms ammunition costs will be at the open market rate for each officer taking this firearms training. There will be no additional costs expected for other training options allowed by this amendment. Note: KRS 15.383 requires certified officers to qualify at least once annually; this amendment will permit officers to qualify while also receiving training credit for KLEFPF participation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The amendment will allow agencies to enroll their officers, on an annual basis, to maintain and/or enhance skills in operation of motor vehicles and skills associated with firearms training. Additionally, officers will be able to maintain skills in defensive tactics and in the application of first aid and will receive timely information regarding statutory and case law changes that impact their law enforcement duties.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: Firearms ammunition costs are expected to be the current open market expense of providing fifty (50) bullets per officer, per training session. It is anticipated that agencies wishing to participate in this optional training will cover the costs of firearms supplies. No other additional costs are anticipated for the other training options allowed by this amendment. Note: KRS 15.383 requires certified officers to qualify at least once annually; this amendment will permit officers to qualify while also receiving training credit for KLEFPF participation.

(b) On a continuing basis: Firearms ammunition costs are expected to be the current open market expense of providing fifty (50) bullets per officer, per training session. It is anticipated that agencies wishing to participate in this optional training will cover the costs of firearms supplies. No other additional costs are anticipated for the other training options allowed by this amendment. Note: KRS 15.383 requires certified officers to qualify at least once annually; this amendment will permit officers to qualify while also receiving training credit for KLEFPF participation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: It is anticipated that agencies wishing to participate in this optional training will cover the costs of firearms supplies. Local agencies are currently required by statute to provide individual firearms qualification training and additional training costs to the agency should be minimal.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There are no fees for training provided by the Department of Criminal Justice Training.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No

(9) TIERING: Is tiering applied? Tiering is not applicable as training funds are statutorily provided through KLEFPF. The law enforcement officers eligible for the training by statute and budget bill receive the same benefits of this training.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Law enforcement agencies and the Department of Criminal Justice Training will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 15.440 and KRS 15.450

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. The only expenditures anticipated are firearms ammunition costs at the current open market price of providing fifty (50) bullets per officer, per training session.

(a) How much revenue will this administrative regulation

generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This regulation does not provide revenue to any government entity.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This regulation does not provide revenue to any government entity.

(c) How much will it cost to administer this program for the first year? This amendment is not anticipated to increase costs other than additional firearms ammunition described in (3).

(d) How much will it cost to administer this program for subsequent years? This amendment is not anticipated to increase costs other than additional firearms ammunition described in (3).

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

EDUCATION AND WORKFORCE DEVELOPMENT CABINET Kentucky Board of Education Department of Education (Amendment)

705 KAR 4:231. General program standards for secondary career and technical education programs.

RELATES TO: KRS[454B.025(5);] 156.029, 156.802, 20 U.S.C. 2301-2471

STATUTORY AUTHORITY: KRS[454B.025(5);] 156.029, 156.070, 156.802, 20 U.S.C. 2301-2471

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.802[454B.025(5)] requires the Kentucky Board of Education to establish program standards for secondary area vocational education and technology centers. This administrative regulation establishes standards for secondary career and technical education programs in local school districts and area centers essential for compliance with the Carl D. Perkins Career[Vocational] and Technical Education Improvement Act of 2006[1998], 20 U.S.C. 2301-2471.

Section 1. (1) Secondary career and technical education programs shall be designed to serve students enrolled in the following middle school and secondary program areas:

- (a) Agricultural education;
- (b) Business and marketing education;
- (c) Construction technology;
- (d) Engineering and technology education;
- (e) Family and consumer sciences education;
- (f) Government and homeland security;
- (g) Health science education;
- (h) Information technology;
- (i) Law and public safety;
- (j) Manufacturing technology;
- (k) Media arts;
- (l) Transportation education;
- (m) Pathway to careers; and
- (n) Other new and emerging business and industry needs[Health sciences];

- (d) Family and consumer sciences;
- (e) Industrial technology education;
- (f) Marketing education;
- (g) Technology education; and
- (h) Pathway to careers].

(2) Instructional programs shall not discriminate on the basis of race, color, national origin, age, religion, marital status, sex, or disability, in violation of state or federal statutes.

Section 2. (1) Instruction shall be designed to:

- (a)[(4)] Assist students preparing for school to work transition

in recognized occupations and new or emerging occupations including high technology industries;

~~(b)(2) Prepare students for advanced or highly skilled postsecondary technical education programs[~~including Tech Prep~~], or entrance into community and technical colleges or universities; and~~

~~(c)(3) Assist individuals in obtaining computer literacy skills; and~~

(4) Provide career guidance and academic counseling in the development of the individual learning[~~graduation~~] plan as established in 704 KAR 3:305.

(2) If needed, instruction shall be provided to upgrade and update individuals in their present occupations and to retrain existing workers.

Section 3. The content of the instruction in secondary career and technical education programs shall:

(1) Be aligned with state or national occupational skill standards that have been recognized by business and industry to include an understanding of all aspects of an industry;

(2) Be developed and conducted in consultation with employers and other individuals having skills and knowledge of the occupational fields or industry included in the instruction;

(3) Be developed to include a coherent sequence of academic and career or technical courses for each program, aligned with career clusters and pathways[~~majors~~];

(4) Be sufficiently extensive in duration and intensive within a scheduled unit of time to enable students to achieve the objectives of the instruction;

(5) Be structured to provide for the integration of technology and rigorous academic content relevant to the career area and aligned with the Kentucky Academic Standards, 704 KAR 3:303[~~academic expectations, 703 KAR 4:060~~]; and

(6) Be linked to postsecondary education in order to provide smooth and seamless transition to postsecondary education in related technical fields. If possible, articulation of credit from secondary to postsecondary education shall be provided for students, as well as dual credit opportunities.

Section 4.~~(1)~~ A student completing the requirements for a career pathway[major] may receive a Career Pathway[Major] Certificate. Requirements for a Pathway[Career-Major] Certificate shall include:

~~(1)(a)~~ Successful completion of high school graduation requirements to include four (4) career-related credits relevant to a career cluster or pathway[major];

~~(2)(b)~~ Participation in a structured work-based learning experience related to the career cluster or pathway[major]; and

~~(3)(c)~~ A culminating project related to the career cluster or pathway[major].

~~(2)~~ A student may earn the Department of Education Career and Technical Certificate of Achievement by:

~~(a)~~ Earning four (4) credits within a career major; or

~~(b)~~ Enrolling in a specific occupational area (in high school programs or vocational/technical schools) and successfully obtaining the competencies identified for a major (DOT) Dictionary of Occupational Title.]

Section 5. A secondary career and technical education program shall provide opportunities for students to participate in high quality work-based learning experiences related to the program in which they are enrolled and shall comply with 705 KAR 4:041. These work-based learning experiences may include:

(1) Job shadowing;

(2) Mentoring;

(3) Service Learning[~~Internships~~];

(4) School-based enterprises;

(5) Entrepreneurship;

(6) Internships[~~Clinicals~~];

(7) Cooperative education; or

(8) Pre-apprenticeship[~~Service learning~~];

(9) Apprenticeship; or

(10) Work experience].

Section 6. A secondary career and technical education program shall be designed to accommodate students with special learning needs, i.e., the disadvantaged, the disabled and individuals with limited English proficiency.

Section 7. A secondary career and technical education program shall provide a variety of learning experiences. Programs in grades six (6) through eight (8) shall be designed to allow students to become aware of and explore clusters of occupations. Programs in grades nine (9) through twelve (12) shall provide in-depth exploration, specialized skill development and preparation for advanced education. Students enrolled in public or private schools shall be permitted to enroll in a state-operated career and technical program consistent with that school district's enrollment quota.

Section 8. A career and technical preparation program shall provide a curriculum of sufficient length to permit students to secure entry level skills in the occupation for which they are training.

Section 9. Recognized career and technical student organizations shall be an integral part of a career and technical education program and shall be supervised by qualified career and technical education personnel. All students shall be provided an opportunity to participate in leadership development activities.

Section 10. Instructional and administrative personnel shall meet the certification requirements as specified by the Education Professional Standards Board[~~in 704 KAR Chapter 20~~].

Section 11. Opportunities in secondary career and technical education programs shall be provided for students to receive an industry-recognized skill standard certificate or credential based on skill standards and assessments.

Section 12. A ~~vocational~~ career and technical education program area shall have an active program advisory committee comprised of business and industry representatives, parents, education representatives, and, if applicable to the program area, labor organizations representatives to assist in planning, implementing, and evaluating programs.

Section 13. Requests for exceptions to any standards for career and technical instructional programs shall be submitted in writing by the local educational agency to the chief state school officer.

Section 14. (1) Assessment of the career and technical education programs shall be conducted in accordance with requirements and instruments approved by the Office of Career and Technical Education.

(2) Staff from the Office of Career and Technical Education shall conduct annual evaluations of career and technical education programs, based on state and federal accountability data, and identify programs for technical assistance and continuous improvement visits.

Section 15. (1) The maximum number of students per class shall be based on the class setting.

(a) For a classroom setting, the maximum enrollment shall be thirty-one (31).

(b) For a laboratory or shop setting, the number of students enrolled in a class shall not exceed the number of work stations available in the facility.

(2)(a) A program shall provide classrooms, laboratories, and other facilities including instructional equipment, supplies, teaching aids, and other materials in sufficient quantity and quality to meet the objectives of the instructional programs.

(b) Equipment used in career and technical education programs shall be similar to that used in business and industry.

(c) An inventory of all equipment with an original purchase price of \$500 or more shall be maintained by the local school

district or area technology center.

(d) The facilities for each program shall be:

1. In compliance with 702 KAR 4:180 and be of adequate size to accommodate the activities and the number of work stations unique to the program; and

2. Approved by the chief state school officer or designee.

Section 16.[15-] (1) A career and technical education program shall meet the performance indicators in accordance with the requirements of the Carl Perkins Career and Technical Education Improvement Act of 2006[Vocational-Technical Education Act of 1998], 20 U.S.C. 2301-2471, which include:

(a) State established academic and vocational technical skill achievement;

(b) Attainment of a secondary diploma;

(c) Placement in postsecondary education or employment;

(d) Nontraditional training and employment; and

(e) Issuance of a Career Pathway[Major] Certificate or Career and Technical Certificate of Achievement to students.

(2) The performance indicators shall be used to determine the effectiveness of the program in terms of its objectives and shall include annual follow-up data as well as annual enrollment reports.

(3) An audit of the utilization of federal and state funds shall be conducted by the Kentucky Department of Education[or Department of Technical Education] to assure that eligible recipients meet the requirements for each approved career and technical education program.

Section 17.[16-] Federal funds to be received by a local school district under the Carl D. Perkins Career and Technical Education Improvement Act of 2006[Vocational and Technical Education Act of 1998], 20 U.S.C. 2301-2471, may be withheld for noncompliance with this administrative regulation or with the Carl D. Perkins Career and Technical Education Improvement Act of 2006[Vocational-Technical Education Act of 1998].

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

STEPHEN L. PRUITT, PH.D., Commissioner of Education
WILLIAM TWYMAN, Chairperson

APPROVED BY AGENCY: August 12, 2016

FILED WITH LRC: August 12, 2016 at noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on September 28, 2016, at 10 a.m. in the State Board Room, 5th Floor, 300 Building, Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working 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 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. Written comments shall be accepted through September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Kevin C. Brown, Associate Commissioner and General Counsel, Kentucky Department of Education, 500 Mero Street, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email kevin.brown@education.ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Kevin C. Brown

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes program standards for

secondary career and technical education programs in local school districts and area centers essential for compliance with the Carl D. Perkins Career and Technical Education Improvement Act of 2006.

(b) The necessity of this administrative regulation: KRS 156.802 authorizes the Kentucky Board of Education to establish program standards for secondary area vocational education and technology centers. This administrative regulation ensures compliance with the requirements of the Carl D. Perkins Career and Technical Education Improvement Act.

(c) How this administrative regulation conforms to the content of the authorizing statute: KRS 156.029 discusses the membership and functions of the Kentucky Board of Education. KRS 156.802 gives the Kentucky Department of Education's Office of Career and Technical Education the responsibility for all administrative functions of the state in relation to the management, control, and operation of state-operated secondary area technology centers. The program standards outlined within 705 KAR 4:231 provide uniform details regarding the operation of career and technical education programs across the Commonwealth.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation simplifies regulatory language, eliminates redundancies and confusion, and increases efficiency of the agency and career and technical education programs. It combines all program standards for secondary Career and Technical Education (comprehensive high schools, locally-operated centers and state-operated area technology centers) into one single, comprehensive regulation. It establishes clear expectations and ensures consistent program implementation among all secondary instructional settings that align with state and federal requirements.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The proposed amendments provide updated terminology, information, and processes related to Career and Technical Education (CTE) programs in Kentucky. The amendments also seek to incorporate relevant language from 780 KAR 4:010, which is being recommended for repeal, as much of its language is redundant with 705 KAR 4:231.

(b) The necessity of the amendment to this administrative regulation: The need for a single, concise regulation that addresses all program standards for secondary career and technical education has become evident, as there has been much confusion among the field regarding the regulatory scheme.

(c) How the amendment conforms to the content of the authorizing statute: The amendments maintain the integrity and intent of the authorizing statutes and federal regulations, but seek to update pertinent information that is outdated.

(d) How the amendment will assist in the effective administration of the statutes: The amendments provide clarity regarding program requirements and create a more efficient regulatory scheme.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Comprehensive high schools, locally-operated career and technical centers, and state-operated area technology centers in Kentucky.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: The revised regulation will impact career and technical education programs and schools by providing a single, comprehensive administrative regulation that addresses both state and federal program standards.

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The regulated entities will continue to conform to all program standards related to career and technical education. No additional standards are imposed as a result of the amendments.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no additional cost to the schools,

districts, or the Kentucky Department of Education.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): School districts and area technology centers will experience a more up-to-date and simplified scheme of regulatory requirements.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: Additional costs are not anticipated.

(b) On a continuing basis: Additional costs are not anticipated.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Additional costs are not anticipated.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase will be necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all school districts.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Local school districts and state-operated area technology centers.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. 156.029, 156.802, 20 U.S.C. 2301-2471

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. None.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? None.

(d) How much will it cost to administer this program for subsequent years? None.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: Regulation does not generate revenue or establish fees.

PUBLIC PROTECTION CABINET Department of Housing, Buildings and Construction Division of Building Code Enforcement (Amendment)

Note from Regulations Compiler: This administrative regulation was withdrawn by the agency on 8/24/2016.

815 KAR 7:120. Kentucky Building Code.

RELATES TO: KRS 132.010, 198B.010, 198B.040, 198B.050, 198B.060, 198B.080, 198B.110, 198B.260, 198B.990, 227.300, 227.550(7)

STATUTORY AUTHORITY: KRS 198B.040(7), 198B.050

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.040(7) and 198B.050 require the Kentucky Board of Housing, Buildings and Construction to adopt and promulgate a mandatory uniform statewide building code, based on a model code, which establishes standards for construction of buildings in the state. This administrative regulation establishes the Kentucky Building Code's general provisions.

Section 1. Definitions. (1) "Board of Housing" or "board" means the Kentucky Board of Housing, Buildings and Construction.

(2) "Building" is defined by KRS 198B.010(4).

(3) "Commissioner" is defined by KRS 198B.010(9).

(4) "Department" is defined by KRS 198B.010(11).

(5) "Farm" means property:

(a) Located outside the corporate limits of a municipality on at least ten (10) acres;

(b) Used for purposes established in the definitions of "agricultural land" and "horticultural land", established in KRS 132.010(9) and (10), respectively; and

(c) Qualified by and registered with the property valuation administrator in that county.

(6) "Fire Code Official" means the State Fire Marshal, fire chief, or other enforcement officer designated by the appointing authority of the jurisdiction for the enforcement of the provisions of KRS 227.300 and the Kentucky Standards of Safety as established in 815 KAR 10:060.

(7) "Industrialized building system" or "building system" is defined by KRS 198B.010(16).

(8) "KBC" means the Kentucky Building Code as established in this administrative regulation.

(9) "Kentucky Residential Code" means the International Residential Code as incorporated by reference and amended for application in Kentucky by 815 KAR 7:125.

(10) "Kentucky Standards of Safety" means the requirements established in 815 KAR 10:060, which serve as the fire prevention code for existing buildings as well as a supplement to this code.

(11) "Manufactured home" is defined by KRS 227.550(7).

(12) "Modular home" means an industrialized building system, which is designed to be used as a residence and that is not a manufactured or mobile home.

(13) "Ordinary repair" is defined by KRS 198B.010(19).

(14) "Single-family dwelling" or "one (1) family dwelling" means a single unit that:

(a) Provides complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation; and

(b) Is not connected to another unit or building.

(15) "Townhouse" means a single-family dwelling unit constructed in a group of three (3) or more attached units separated by property lines in which each unit extends from foundation to roof and with open space on at least two (2) sides.

(16) "Two (2) family dwelling" means a building containing not more than two (2) dwelling units that are connected.

Section 2. Administration and Enforcement of the Building Code. (1) Notwithstanding the requirements of the 2012 International Building Code, the Kentucky amendments established in the 2013 Kentucky Building Code shall be mandatory and shall supersede any conflicting provision of the international code.

(2)(a) Except as provided in paragraph (b) and (c) of this subsection and as superseded by the provisions of this administrative regulation and the 2013 Kentucky Building Code, the 2012 International Building Code, shall be the mandatory state building code for all buildings constructed in Kentucky.

(b) One (1) and two (2) family dwellings and townhouses shall be governed by 815 KAR 7:125.

(c) Manufactured homes shall be governed by KRS 227.550 through 227.665.

Section 3. State Plan Review and Inspection Fees. The fees required by this section shall apply for plan review and inspection by the department. (1) Fast track elective.

(a) A request for expedited site and foundation approval of one

(1) week or less, prior to full review of the complete set of construction documents, shall be accompanied by the fee required by Table 121.3.1 in subsection (3) of this section, plus an additional fifty (50) percent of the basic plan review or inspection fee.

(b) The additional fifty (50) percent fee shall not be less than \$400 and not more than \$3,000.

(c) The entire fee shall be paid with the initial plan submission.

(2) New buildings.

(a) The department's inspection fees shall be calculated by:

1. Multiplying the total building area under construction by the cost per square foot of each occupancy type as listed in subsection (3) of this section; and

2. Computing the square footage by the outside dimensions of the building.

(b) The fee for a building with multiple or mixed occupancies shall be calculated using the cost per square foot multiplier of the predominant use.

(c) The minimum fee for review of plans pursuant to this subsection shall be \$285.

(3) Table 121.3.1, Basic Department Fee Schedule. The basic plan review or inspection fee shall be:

(a) Assembly occupancies, sixteen (16) cents;

(b) Business occupancies, fifteen (15) cents;

(c) Day care centers, fifteen (15) cents;

(d) Educational occupancies, fifteen (15) cents;

(e) High hazard occupancies, sixteen (16) cents;

(f) Industrial factories, fifteen (15) cents;

(g) Institutional occupancies, sixteen (16) cents;

(h) Mercantile occupancies, fifteen (15) cents;

(i) Residential occupancies, fifteen (15) cents;

(j) Storage, fifteen (15) cents; or

(k) Utility and miscellaneous, thirteen (13) cents.

(4) Additions to existing buildings.

(a) Plan review fees for additions to existing buildings, which shall not require the entire building to conform to the Kentucky Building Code, shall be calculated in accordance with the schedule listed in subsection (3) of this section by the measurement of the square footage of the addition, as determined by the outside dimensions of the addition.

(b) The minimum fee for review of plans pursuant to this subsection shall be \$285.

(5) Change in use.

(a) Plan review fees for existing buildings in which the use group or occupancy type is changed shall be calculated in accordance with the schedule listed in subsection (3) of this section by using the total square footage of the entire building or structure pursuant to the new occupancy type as determined by the outside dimensions.

(b) The minimum fee for review of plans pursuant to this subsection shall be \$285.

(6) Alterations and repairs.

(a) Plan review fees for alterations and repairs not otherwise covered by this fee schedule shall be calculated by using the lower result of:

1. Multiplying the cost for the alterations or repairs by 0.0030;

or

2. Multiplying the total area being altered or repaired by the cost per square foot of each occupancy type listed in the schedule in subsection (3) of this section.

(b) The total square footage shall be determined by the outside dimensions of the area being altered or repaired.

(c) The minimum fee for review of plans pursuant to this subsection shall be \$285.

(7) Specialized fees. In addition to the fees established by subsections (1) through (6) of this section, the following fees shall be applied for the specialized plan reviews listed in this subsection:

(a) Table 121.3.9, Automatic Sprinkler Review Fee Schedule:

1. An inspection of four (4) through twenty-five (25) sprinklers shall be a fee of \$150;

2. An inspection of twenty-six (26) through 100 sprinklers shall be a fee of \$200;

3. An inspection of 101 through 200 sprinklers shall be a fee of

\$250;

4. An inspection of 201 through 300 sprinklers shall be a fee of \$275;

5. An inspection of 301 through 400 sprinklers shall be a fee of \$325;

6. An inspection of 401 through 750 sprinklers shall be a fee of \$375; and

7. An inspection of over 750 sprinklers shall be a fee of \$375 plus thirty (30) cents per sprinkler over 750.

(b) Fire detection system review fee:

1. Zero through 20,000 square feet shall be \$275; and

2. Over 20,000 square feet shall be \$275 plus thirty (30) dollars for each additional 10,000 square feet in excess of 20,000 square feet.

(c) The standpipe plan review fee shall be \$275. The combination stand pipe and riser plans shall be reviewed pursuant to the automatic sprinkler review fee schedule.

(d) Carbon dioxide suppression system review fee:

1. One (1) through 200 pounds of agent shall be \$275; and

2. Over 200 pounds of agent shall be \$275 plus five (5) cents per pound in excess of 200 pounds.

(e) Clean agent suppression system review fee:

1.a. Up to thirty-five (35) pounds of agent shall be \$275; and

b. Over thirty-five (35) pounds shall be \$275 plus ten (10) cents per pound in excess of thirty-five (35) pounds; and

2. The fee for gaseous systems shall be ten (10) cents per cubic foot and not less than \$150.

(f) Foam suppression system review fee.

1. The fee for review of a foam suppression system shall be fifty (50) cents per gallon of foam concentrate if the system is not part of an automatic sprinkler system.

2. Foam suppression system plans that are submitted as part of an automatic sprinkler system shall be reviewed pursuant to the automatic sprinkler review fee schedule.

3. The fee for review of plans pursuant to subparagraph 1. of this paragraph shall not be less than \$275 or more than \$1,500.

(g) The commercial range hood review fee shall be \$225 per hood.

(h) Dry chemical systems review fee (except range hoods). The fee for review of:

1. One (1) through thirty (30) pounds of agent shall be \$275; and

2. Over thirty (30) pounds of agent shall be \$275 plus twenty-five (25) cents per pound in excess of thirty (30) pounds.

(i) The flammable, combustible liquids or gases, and hazardous materials plan review fee shall be \$100 for the first tank, plus fifty (50) dollars for each additional tank and \$100 per piping system including valves, fill pipes, vents, leak detection, spill and overfill detection, cathodic protection, or associated components.

(j) Boiler and unfired pressure vessel fees. Plan review fees of boiler and unfired pressure vessel installations shall be in accordance with 815 KAR 15:027.

Section 4. General. All plans shall be designed and submitted to conform to this administrative regulation.

Section 5. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "2012 International Building Code", First Edition, International Code Council, Inc.; and

(b) "2013 Kentucky Building Code", Fourth Edition, August 2016[December 2015].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Housing, Buildings and Construction, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601-5412, Monday through Friday, 8 a.m. to 4:30 p.m.

STEVE A. MILBY, Chairman

DAVID A. DICKERSON, Secretary

APPROVED BY AGENCY: August 12, 2016

FILED WITH LRC: August 15, 2016 at 9 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A

public hearing on this administrative regulation shall be held on September 22, 2016, at 10:00 a.m., EDT, in the Department of Housing, Buildings and Construction, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five working 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. The 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. Written comments shall be accepted through September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation by the above date to the contact person:

CONTACT PERSON: Jared L. Downs, General Counsel, Department of Housing, Buildings and Construction, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601-5412, phone 502-573-0365, Option 2, fax 502-573-1057, email jared.downs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jared L. Downs

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the uniform Kentucky Building Code as required pursuant to KRS 198B.050.

(b) The necessity of this administrative regulation: This administrative regulation is necessary in order to adopt the Kentucky Building Code as required pursuant to KRS 198B.050.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation utilizes the International Building Code as the basis for construction standards and allows the Board of Housing, Buildings and Construction to make amendments unique to Kentucky after due consideration of equivalent safety measures as required by KRS 198B.050.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation sets forth standards authorized by the statute for the enforcement of the uniform state building code, incorporating all applicable laws into its processes.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The administrative regulation updates the 2013 Kentucky Building Code to ensure public safety by establishing testing and listing standards for large volume fans must be constructed to meet. The change will also serve to bring transparency to the market for companies supplying these types of fans. The amendment includes the referencing materials needed for the high-volume fans.

(b) The necessity of the amendment to this administrative regulation: To implement code changes adopted and approved by the Board of Housing, Buildings and Construction during its May 19, 2016 meeting.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 198B mandates the Board of Housing, Buildings and Construction to establish a uniform Kentucky Building Code. These amendments were approved by the Board to update, correct and amend the current 2013 Kentucky Building Code.

(d) How the amendment will assist in the effective administration of the statutes: These amendments to the 2013 Kentucky Building Code are intended to establish testing and listing for high-volume fans to ensure public safety where these types of fans are installed.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Construction projects subject to the Kentucky Building Code will be affected by the amendments to this regulation; architects; engineers; contractors; project managers;

businesses; and local government.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to comply with this administrative regulation or amendment: The identified entities must comply with the new amendments to the building code.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Affected entities are not anticipated to incur any substantial new expenses based on the new amendments.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Benefits will include increased safety and bring transparency to the market for companies that are supplying the high-volume fans.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There are no anticipated additional costs to administer these regulatory amendments.

(b) On a continuing basis: There are no anticipated additional costs to administer these regulatory amendments.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Implementation of these amendments is anticipated to result in no additional costs to the agency. Any agency costs resulting from these administrative amendments will be met with existing agency funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This amendment will not necessitate an increase in fees or require funding to the Department for implementation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees directly or indirectly increased by this administrative regulation amendment.

(9) TIERING: Is tiering applied? Tiering is not applied as all builders, contractors, local governments and owners will be subject to the amended requirements.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Housing, Buildings and Construction and local jurisdiction inspection and plan review programs.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. This administrative regulation is authorized by KRS 198B.040(7) and KRS 198B.050.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This amendment is not anticipated to generate additional revenues for the agency.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This amendment is not anticipated to generate additional revenues for the agency.

(c) How much will it cost to administer this program for the first year? There are no anticipated additional costs to administer this regulatory amendment.

(d) How much will it cost to administer this program for subsequent years? There are no anticipated additional costs to administer this regulatory amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): Neutral
Expenditures (+/-): Neutral
Other Explanation: Neutral

PUBLIC PROTECTION CABINET
Department of Housing, Buildings and Construction
Division of Plumbing
(Amendment)

815 KAR 20:020. Parts or materials list.

RELATES TO: KRS 318.010, 318.015, 318.130, 318.150, 318.200

STATUTORY AUTHORITY: KRS 198B.040(10), 318.130

NECESSITY, FUNCTION, AND CONFORMITY: KRS 318.130 requires the department, after review by the State Plumbing Code Committee, to promulgate an administrative regulation establishing the Kentucky State Plumbing Code regulating plumbing, including the methods and materials that may be used in Kentucky. This administrative regulation establishes an "approved parts or materials list" containing the parts and materials that have been approved for use in Kentucky.

Section 1. Definitions. (1) "ABS" means acrylonitrile-butadiene-styrene pipe.

(2) "APML" means the "Approved Parts or Materials List".

(3) "ASTM" means American Society for Testing Materials.

(4) "Code" is defined by KRS 318.010(11).

(5) "Committee" means the State Plumbing Code Committee.

(6) "Department" means Department of Housing, Buildings, and Construction.

(7) "Parts or materials" means all types of fittings and piping used in the soil, waste and vent systems, house sewers, potable water supply, plumbing fixtures, appurtenances, and mechanical sewage systems in plumbing systems.

(8) "Person" is defined by KRS 318.010(9).

(9) "PVC" means polyvinyl chloride pipe.

Section 2. Approved Parts or Materials List (APML). (1) A part or material manufactured or produced according to a specification listed in the code shall be considered approved if it meets the latest edition of the specification.

(2) A part or material shall not be used in a drainage or plumbing system, other than those currently authorized by the code, unless the use of the part or material has been considered by the committee and approved by the department as being equal to or better than other similarly approved items for inclusion in the APML. The APML may specify methods of installation or restrictions applicable to a particular part or material.

Section 3. Amending the APML. (1) A person may petition the committee, in writing, no later than fourteen (14) days prior to the committee's next scheduled meeting for the purpose of amending the APML. The request shall include:

(a) A description of the part or material for which approval is sought;

(b) Available technical data;

(c) A listing of other authorities which have approved the use of the part or material; and

(d) Any other pertinent information requested by the committee.

(2)(a) The committee shall consider all parts or materials for which approval is sought and shall forward its recommendations within thirty (30) days to the department.

(b) A hearing shall be held before the committee if requested by a person having an interest in the subject matter within thirty (30) days following the determination of the committee.

(c) Upon approval of a recommendation by the department, the APML shall be amended by listing the new part or material in

Section 5 of this administrative regulation.

Section 4. Custody of the APML. The Director, Division of Plumbing, shall maintain an up-to-date APML and make it available for inspection during regular office hours. Copies of the APML may be obtained by mailing a self-addressed stamped envelope to the Division of Plumbing, Department of Housing, Buildings, and Construction, 101 Sea Hero Road, Frankfort, Kentucky 40601-5405.

Section 5. Content of Approved Parts or Materials List. The following list of parts or materials have been reviewed by the Kentucky Plumbing Code Committee and approved by the department and shall be allowed for installation in Kentucky:

(1) Flexible three-fourths (3/4) inch hot and cold water connectors for hot water heaters, minimum wall thickness, .032;

(2)(a) Flushmate water closet tank;

(b) Microphor company. Two (2) quart flush toilets;

(c) Jomar 3 and 4 water conserver water closets to operate efficiently on three and one-half (3 1/2) gallons of water per flush;

(d) Superinse toilet that operates on one (1) gallon of water per flush as manufactured by Universal Rundle for the Thetford Wastewater Treatment Systems;

(e) IFO Sanitar AB Model-3160 and 3180 China Water Closet equipped with a Fluidmaster 4003A-F77 Ballcock;

(f) Cashsaver MX (quantum 150-1) Water Closet Combination and Flushmate II Flushometer/Tank as manufactured by Mansfield Plumbing Products;

(g) Dual flush water closets by Caroma, USA. The water closets shall use eight-tenths (.8) gallons for the short flush cycle and one and six-tenths (1.6) gallons for the full flush cycle;

(3) Tubular traps with gasket in trap seal;

(4)(a) Polyethylene sump pump basin. Polyethylene sump pump basin shall be constructed of polyethylene material and shall be provided with a sump cover;

(b) Liberty Pump Model 402, Laundry Tray Pump for pipe size one and one-half (1 1/2) inch for light commercial and household usage;

(c) Zoeller Drain pump and HiLo Industries Power Drain for pipe sizes one and one-half (1 1/2) inch and two (2) inch for light commercial and household usage;

(d) Little Giant Pump Company, Drainsaur Water Removal System, Model #WRS-6. This approval shall be limited to two (2) drainage fixture units since it has a one and one-half (1 1/2) inch drain;

(e) Add A Drain (Waste Discharge System) as manufactured by Lunsford and Associates;

(f) Sta-Rite Pump Corporation, laundry tray system approved for residential and light commercial use;

(g) Electric Drain System as manufactured by Myers for light commercial and household usage;

(5)(a) No-caulk roof flashing. No-caulk roof flashing shall be eighteen (18) inch by eighteen (18) inch galvanized iron base with a neoprene boot forming a water tight seal with the stack that it serves;

(b) Polyethylene roof flashing. Polyethylene roof flashing shall have a base which shall extend six (6) inches in all directions from the base of a stack and shall have a boot with a preformed thermoplastic rubber gasket;

(c) Dektite pipe flashing system to be used on metal building decks for plumbing vent stacks as manufactured by Buildex Corporation;

(d) Oatey eighteen (18) inch by eighteen (18) inch no caulk thermoplastic flashing, one (1) piece construction, positive double seal in three (3) inch only;

(e) Carlisle syntec systems. Vent flashings for sureseal and Brite-Ply roofing systems as required by Carlisle Corporation;

(f) Trocal roofing systems. Vent flashings for Trocal roofing systems as required by Dynamit Nobel of American, Inc;

(g) Masterflash Pipe Flashing system for plumbing vent stacks as manufactured by Aztec Washer Company;

(h) Hi-Tuff Roofing Systems pipe flashing system for plumbing vent stacks as required by J.P. Stevens and Company, Inc;

(6)(a) Kitchen sink faucet. Kitchen sink faucets may have corrugated supply piping if the piping has a wall thickness equal to Type M copper pipe;

(b) Sink and lavatory faucets and pop-up lavatory assembly parts manufactured by CPVC plastic as manufactured by Nibco Co.

(c) Series 1000 Automatic Faucets as Manufactured by Hydrotek USA, Inc;

(7) Lab-Line Enfield L-E acid waste systems, one and one-half (1 1/2) through four (4) inch inside measurement for above and below ground installation on acid waste. Underground shall be laid on six (6) inches of sand grillage and shall be:

(a) Backfilled by hand and tamped six (6) inches around piping;

(b) Surrounded by six (6) inches of sand grillage;

(8) Floor drains, shower drains, urinal drains and clean-outs manufactured by Plastic Oddities, Inc;

(9) Tubular plastic components conforming to ASTM F409-75, bathtub waste and overflow, traps, continuous sink wastes and extension tubes as manufactured by J & B Products Corporation;

(10)(a) Water heaters. Heat pump water heaters as manufactured by:

1. Dec International, Inc., Therma-Stor Products Group; or

2. Steibel Eltron Accelera 300. If the water heater is shipped with a 100 PSI Pressure and Temperature Relief Valve, it shall be replaced with a 150 PSI Pressure and Temperature Relief Valve;

(b) Water heaters, point of use or instantaneous;

1. In-Sink-Erator's Ultra System. For instant hot water to serve individual fixtures, Model #777W, W, WH, WA and WHA, W-152 and W-154;

2. Eemax Electric Tankless water heaters.

a. Nonpressure type without the requirement of a temperature and pressure relief valve; or

b. The pressure type with the requirements that the temperature and pressure relief valve be of a one-half (1/2) inch short shank valve and be installed with the product;

3. Vitaclimate Control Systems, Inc. - Heatrae Instantaneous Water Heaters Models 7000 and 9000, pressure type, point of use water heater, which shall be equipped with an approved temperature and pressure relief valve installed so that the thermo couple of the relief valve extends into the heat chamber discharge;

4. Paloma Automatic Instantaneous Gas Water Heaters Numbers PH-6DN, PH-6DP, PH-12A-DN, PH-12A-DP, PH-12M-DN, PH-12M-DP, PH-16A-DN, PH-16A-DP, PH-16M-DN, PH-16M-DP, PH-24A-DN, PH-24A-DP, PH-24M-DN and PH-24M-DP;

5. Rinnai Gas Fired Instantaneous Water Heaters Model Numbers REU-95GS-2R, REU-95GS-3R, REU-90, REU-130, REU-V2520 FFU-US, REU-V2520 FFUC-US, REU-V2020W-US, REU-V2020WC-US, and REU-V1616W-US pressure type, which shall be equipped with an approved[temperature and] pressure relief valve;

6. Elkay Aqua-Temp tankless water heaters - nonpressure type without the requirement of a temperature and pressure relief valve;

7. International Technology Sales Corporation AEG Telefunken MDT instantaneous water heater, which shall be equipped with an approved[temperature and] pressure relief valve;

8. International Technology Sales Corporation Zanker Faucet Model W05U without a temperature and pressure relief valve;

9. Amtrol hot water maker model numbers WH7P, WH7 and WH7C with a minimum three-fourths (3/4) inch inlet and outlet;

10. Chronomite Laboratories, Inc. - instantaneous water heater, which shall be equipped with an approved[temperature and] pressure relief valve;

11. Chronomite Instant-Flow Tankless Water Heater without a temperature and pressure relief valve;

12. Nova Hot Water Generator Models: VES5/10, VES6/12, VES7/14, VES8/16, VES9/18 and VES11/22 as manufactured by Hot Water Generators, Inc;

13. Aqua Star tankless gas water heaters, model numbers 125 VP and 80 VP, which shall be equipped with an approved[temperature and] pressure relief valve;

14. Ariston electric water heaters, model numbers P-15S and P-10S, which shall be equipped with an approved[temperature and] pressure relief valve;

15. Vaillant Corporation gas fired point of use water heater.

16. Trinom Hot Man Tankless Water Heater as manufactured by Siemens;

17. Field Controls Company Power Venter - Models PVAE and SWG for use in conjunction with gas and oil fired water heaters;

18. Acutemp Instantaneous Water Heater as manufactured by Keltech, Inc., Model #100/208; #100/240; #150/208; #150/240; #180/208; #180/240; #153/208; #153/240; #183/208; #183/240; #183/480 and #C183/480;

19. Hot Aqua Instantaneous Tankless Electric Water Heaters, Model Numbers, 18/125PC, 24/125PC, 24/120, 32/120, 24/240, 36/240, 48/240, 59/240, 70/240, 24/208, 35/208, 46/208, 60/208, 28/277, 42/277, 55/277, 69/277, 24/120-P, 59/240-P, 46/208-P, 55/277-P, 18/125PC and 24/125PC. This product shall not be approved for supplying hot water for showers;

20. Stiebel Eltron Tankless Water Heater;

a. Models DHC 3, DHC 6 and DHC 8 approved for use with lavatories and sinks;

b. Models Temptra/DHC-E 8/10 and DHC-E 12;

c. Models Mini 2, Mini 3, Mini 4, and Mini 6 Point of Use tankless electric water heaters; and

d. Models 12/2 Plus, 15/15 Plus, 20/20 Plus, 24/24 Plus, 29 Plus, and 36 Plus;

21. Bosch Aqua Star tankless water heater. Models 125X, 125B, 125S, 125BS, 125FX and 38B. All models shall be installed with[temperature and] pressure relief valves;

22. Controlled Energy Corporations "Powerstream" tankless water heater;

23. Ariston mini tank electric water heaters in 2.5, 4 and 6 gallon models;

24. Powerstar PS19T and PS28T Electric Instantaneous Water Heater, as manufactured by Controlled Energy Corporation, to be installed with[temperature and] pressure relief valves;

25. Aquastar AQ240 FX (LP, NG) gas fired instantaneous water heater, as manufactured by Controlled Energy Corporation, to be installed with[temperature and] pressure relief valve;

26. S.E.T.S. Tankless Water Heater Models: #220, #180, #165 and #145 to be installed with temperature and pressure relief valve.

27. Rinnai Continuous Flow Water Heaters: Models 2532FFU(-C), 2532W(-C), 2532FFU and 2424W(-C) all requiring an approved pressure[and temperature] relief valve;

28. Noritz American Corporation Tankless, Instantaneous Water Heater Models: N-042, N-063 to be installed with[temperature and] pressure relief valve;

29. Takagi Industrial Company USA, Inc., Instantaneous Water Heaters, Models: T-KLS; T-K JR; T-K2; T-KD20 to be installed with[temperature and] pressure relief valve;

30. Envirotech Systems ESI 2000 Series Tankless Water Heaters, all requiring an approved pressure[and temperature] relief valve;

31. Quieside Instantaneous Water Heater Models: QVW8 - 100, 120, 175. All models shall be equipped with an approved temperature and pressure relief valve and temperature preset at 120 degrees;

32. Seisco[Residential] Tankless Water Heaters Model:

a. Point-of-Use Single Chamber Models: POU24, POU30, POU35, POU40, POU45, POU55, POU60, POU70, POU73, POU78, POU80, POU90, POU140, SC90, and SC140. These models shall not require the installation of a temperature and pressure relief valve;

b. Residential Single Phase Models: RA14, RA16, RA18, RA22, RA24, RA28, and RA32. These models shall not require the installation of a temperature and pressure relief valve;

c. Commercial Single Phase Models: CA14, CA16, CA18, CA22, CA24, CA28, and CA32. These models shall not require the installation of a temperature and pressure relief valve;

d. Commercial Three (3) Phase Models: CA9-3, CA10-3, CA12-3, and CA14-3. These models shall not require the installation of a temperature and pressure relief valve; or

e. Electric Mini-Tank Models: SMT2.5, SMT4, and SMT6. These models require the installation of a temperature and pressure relief valve supplied by the manufacturer[RA-05, RA-07,

RA-09, RA-11, RA-14, RA-18, RA-22 and RA-28. All models shall be equipped with an approved temperature and pressure relief valve];

(11) Compression joints. Fail-safe hot and cold water systems;.

(12) Orion fittings for acid waste piping systems for above and below ground;

(13) R & G Slone Manufacturing Company. Fuseal mechanical joint for the connection of polypropylene and waste piping;

(14) Johns Manville Flex I drain roof drain system;

(15) Hydrocide liquid membrane (HLM) to be used as a shower pan material conforming to ASTM C836-76. The density of the material shall be at least one-sixteenth (1/16) inch thick;

(16) Scotch-Clad brand waterproofing system as manufactured by the 3M Company for thin-set installation of ceramic and quarry tile in shower stalls, bathrooms, janitorial closets limited to those applications on concrete floors and using metallic soil and waste piping;

(17) Elkay Aqua-chill water dispensers[-];

(18) Flexible connectors for hot and cold potable water supply in plumbing fixture connections as manufactured by Aqua-Flo Corporation limited to thirty (30) inch length except dishwashers which shall be forty-eight (48) inches maximum;

(19)(a) Delta Faucet Company's quick-connect fitting known as "grabber" to be used with hot and cold potable water installations above ground only;

(b) REMCO Angle Stop Quick connect valve for use with hot and cold potable water installations above ground only; or

(c) Red White Valve Corporation. Reduced port polypropylene ball valves designed for installation on fusion welded polypropylene piping systems compliant with NSF standards 61 and 14 and ASTM F2389.

(20) Interceptors:

(a) Town and Country plastic interceptors to be used as a grease trap;

(b) Grease recovery unit (GRU) as manufactured by Lowe Engineering, Lincoln Park, NJ;

(c) Scienco, Inc., models SI-101-20G, SI-104-35G, SI-102-50G and SI-103-100G with PVC solvent connections;

(d) Rockford separators for grease, oil, hair and solids in various styles and sizes and being more specifically model series G, G LO, G M, G LOM, GF, GFE, GAS, GPS, GSS, OS, RHS, GSC, RMS, RSD, SD, SDE, GTD, and RTD that are used for their intended purpose and installed in accordance to the manufacturer's specification and the plumbing code;

(e) Grease interceptors as manufactured by Enpoco, Inc. of St. Charles, IL;

(f) Grease Traps U.S.A.: Polypropylene grease trap, model number GT-25, as certified by the Plumbing and Drain Institute;

(g) Schier Grease Interceptors Trapper II Series meeting ASME 112.14.3 Model numbers 1820, 2025, 2635 and 3050;

(h) Schier Grease Interceptors Great Basin Series meeting ASME 112.14.3 Model numbers GB-75 and GB-250 approved only with the installation of two-directional, accessible cleanouts on the inlet and the outlet. The discharge of garbage disposals shall not be permitted;

(i) Thermaco Inc. models TZ600 (150 GPM), TZ 400 (75 GPM), and the TZ 160 (35 GPM). These interceptors shall be installed with a full size vent (three (3) or four (4) inches as applicable per manufacturer's instructions to the model being installed), located on the outlet side of the interceptor and returned to the vent stack or located so that it terminates a minimum of twelve (12) inches above the ground;

(21) Plastic Oddities Srv (sewer relief vent) clean-out;

(22) Contech A-2000 - a PVC corrugated pipe with smooth interior meeting or exceeding all the material and service test requirements of ASTM D-3034-06 except dimensions at the time of manufacture;

(23) Nonchemical water treatment to control lime scale and corrosion buildup superior water conditioners as manufactured by Kemtune, Inc;

(24) Eljer plumbing ware - Elgers ultra one/G water closet;

(25)(a) "Power Flush" and "Quik Jon" as manufactured by Zoeller Company, which shall have a three (3) inch vent and

alternate additional waste openings shall be located in the pump chamber above the top of the base chamber;

(b) Hydromantic JB-1 System as manufactured by Hydromantic Pumps, Inc.;

(26) Exemplar Energy garden solar water heater;

(27) ProSet systems for pipe penetrations in fire rated structures. System A for copper and steel pipe. System C using solvent weld joints only. Proset E-Z flex coupling shall be approved for similar or dissimilar materials;

(28)(a) ABS and PVC backwater valves, Models 3281, 3282, 3283 and 3284 for solvent cement joints only as manufactured by Canplas Industries;

(b) Flood-Gate Automatic Backwater Valve as manufactured by Bibby-Ste-Croix;

(c) Fullport Backwater Valve as manufactured by Mainline Backflow Products, Inc.;

(29) Clamp-All Corporation Pipe Coupling Systems shall be approved size for size on dissimilar materials on new or existing installations. The use of Snap-All Increaser/Reducer transition bushings shall be included in this approval;

(30) Mission Rubber Company "Band-Seal Specialty Coupling" shall be approved as a transition between any combination of the following materials: cast iron, copper, galvanized steel, schedule 40 PVC and ABS and SDR 35;

(31)(a) Laticrete 9235 Waterproof Membrane to be used as a safining material for floors and walls in showers, bathtubs and floor drain pans;

(b) Ultra-Set as manufactured by Bostik Construction Products to be used as a water proofing material;

(32) DFW Elastomeric PVC coupling manufactured by DFW Plastics, Inc. for use on building sewers;

(33)(a) Fernco Lowflex Shielded Couplings, approved for connecting extra heavy, no-hub and service weight cast iron pipe, DWV PVC and ABS pipe, SDR 35 sewer pipe, galvanized steel pipe and copper pipe or as a transition between any of these materials in soil waste and vent systems above or below grade;

(b) Fernco Proflex Shielded Couplings: Series 3000 for service weight cast iron to plastic, steel or extra cast iron in sizes one and one-half (1 1/2) inch to four (4) inch, Series 3001 for cast iron, plastic or steel to copper in sizes one and one-half (1 1/2) inch to two (2) inch, Series 3003 for copper to copper in one and one-half (1 1/2) inch;

(34) TBA drain, waste and vent pipe, schedule 40 PVC piping marked "meets dimensional specifications of ASTM D-2665". This pipe shall have been tested for the tensile strength, durability, of ASTM D-2665 except that it is made from recycled, unused plastics rather than virgin materials;

(35) Blucher-Josam stainless steel pipe, fittings and drains for disposal of corrosive wastes;

(36) Paul Panella Industries Hostalen GUR UHMW Polymer Cleanout approved for use on sewers of Schedule 40 PVC, ABS and SDR in four (4) inch and six (6) inch sizes;

(37) Advanced Drainage Systems, Inc., Series 35 polyethylene corrugated sewer pipe with a smooth interior in sizes four (4) inch through twenty-four (24) inches for underground storm water drainage within a building;

(38) "Flowguard Gold" one (1) step CPVC cement for joining copper tube size CPVC piping systems through two (2) inches without the requirement of a cleaner or primer;

(39) E-Z Trap Adapter as manufactured by S & S Enterprises to be used as connection between chrome plated P trap and PVC waste line;

(40)(a) Canplas Industries LTD Specialty DWV Fittings: Part #3628 ABS or PVC forty-five (45) degree Discharge Closet Flange, Part #2321 Appliance (dishwasher) Wye, Part #3650A Closet Flange Kit for Concrete Installations;

(b) Flo-Bowl Waxless Leakless Toilet System as manufactured by Flo-Bowl Systems Inc.;

(41)(a) Conbraco 78-RV Series In-Line Water Heater Shut-Off Thermal Expansion Control Valve preset at 125 psi to relieve thermal expansion;

(b) Watts Regulator BRV Expansion Relief Valve to relieve thermal expansion;

(42) Plastic Productions PVC "Quick Stub" approved as a solvent weld transition between tubular PVC and schedule 40 PVC;

(43) HubSett In Line Test Coupling: PVC and ABS test couplings produced by HubSett Manufacturing Inc. for testing soil waste and vent systems;

(44) Viega/Ridgid ProPress System: Copper press fittings for joining copper water tubing and using an elastomeric o-ring that forms the joint;

(a) The fitting shall be made by pressing the socket joint under pressure in accordance with the manufacturer's installation requirements;

(b) This system shall be approved for pipe sizes one-half (1/2) inch through four (4) inch for above slab installations only;

(45) TRIC Trenchless Systems for replacement sewers in four (4) inch and six (6) inch sizes;

(a) A video camera tape of the existing sewer shall be made to determine proper alignment and reviewed by the plumbing inspector;

(b) After the installation is complete, another tape shall be reviewed by the plumbing inspector to ensure that the installation was successful;

(c) The sewer shall be tested according to 815 KAR 20:150;

(d) The interior heat fusion bead shall be removed to provide a smooth surface with no obstruction;

(46) Envirovac Inc.: Evac Vacuum Systems Condensate Collection System approved for condensate collection and the discharge from lavatories only;

(47) Macerating Systems from Sanitary-for-All, consisting of a sump with a macerating pump, with or without a macerating toilet. The sump shall be air tight and provided with a minimum one and one-fourth (1 1/4) inch vent. These systems shall be installed in accordance with the manufacturer's recommendations and shall not be used as a primary means of waste disposal;

(48) Rhino Wet Waste Interceptor manufactured by Ecosystems Inc. to be used as a prefiltration of wet wastes before discharging to a grease trap or interceptor;

(49) Quick Snap Multi Level Flange as manufactured by Jett Plumbing Products, Inc.;

(50) Sioux Chief Manufacturers Stainless Steel Swivel Ring Closet Flange;

(51) Service Weight and No-Hub Cast Iron Pipe and Fittings furnished by DWV Casting Company complying with ASTM A74, A888 and CIP1 301-00;

(52) American Pipe Lining, Inc. APL 2000, which is an epoxy lining used in restoring water distribution systems. The use of APL 2000 shall be subject to the following conditions;

(a) A plumbing construction permit shall be required;

(b) Installation shall be by a licensed plumber;

(c) Water quality shall be tested before and after each project; and

(d) A water distribution system treated with APL 2000 shall be clearly marked on all exposed piping and water heater with the following notice: "FLAMELESS TECHNIQUES MUST BE USED FOR ALL REPAIRS AND MODIFICATIONS TO THIS PIPING SYSTEM";

(53) Base Products Corporation;

(a) Water powered pump: basepump. Each model shall:

1. Be installed with a reduced pressure principle backflow preventer with copper piping only;

2. Be approved for groundwater removal only; and

3. Require incoming water pressure of 50 psi to operate;

(b) Battery back-up pump: hydropump;

(54) Perma-Liner Industries, Inc. Lateral Lining System.:

(a) This system shall be approved for pipe sizes three (3) inches through eight (8) inches for interior and exterior installations;

(b) Interior applications shall be videoed before and after installation and shall have a water or air test as required by 815 KAR 20:150, Section 4(2) or (3);

(c) Exterior applications shall be videoed before and after and shall have a smoke test to comply with 815 KAR 20:150, Section 4(6);

(d) A permit shall be obtained prior to an exterior or interior application;

(55) Stainless steel piping system for potable water applications manufactured by Victaulic for above ground applications only;

(56) Wallgate Classic Model CME recessed and molded handwasher/dryer;

(57) MaxLiner.

(a) This system shall be approved for pipe sizes three (3) inch through ten (10) inch for interior and exterior installations;

(b) Interior applications shall be videoed before and after installation and shall have a water or air test as required in 815 KAR 20:150, Section 4(2) or (3);

(c) Exterior applications shall be videoed before and after installation and shall have a smoke test to comply with 815 KAR 20:150, Section 4(6);

(d) Permits shall be required for both interior and exterior applications;

(58) Nuflow Technologies Inc., Nuflow System;

(a) This system shall be approved for pipe sizes one and one-half (1 1/2) inch through twelve (12) inch for interior and exterior installations;

(b) Interior applications shall be videoed before and after installation and shall have a water or air test as required in 815 KAR 20:150, Section 4(2) or (3);

(c) Exterior applications shall be videoed before and after installation and shall have a smoke test to comply with 815 KAR 20:150, Section 4(6);

(d) Permits shall be required for both interior and exterior applications;

(59) Schluter Shower System for waterproofing tiled shower installations installed per manufacturer recommendations;

(60) WATCO Manufacturing Watco Flex and Watco Flex 900 Innovator tub waste and overflow;

(61) J.R. Smith MFG. CO. THE BOSS TEE Series 4505 cleanout tee;[and]

(62) Pipe Patch NO-Dig Repair System by Source One Environmental.[:]

(a) The repair shall require a plumbing installation permit issued by the department.

(b) After the repair has been completed, the building sewer shall be inspected, tested with either a water or a smoke test, and approved by the department;

(63) PHIX Cartridge Systems. The PHIX cartridge system shall be approved for use as a point-source or in-line acid neutralization system;

(64) SharkBite Evopex polymer fittings meeting ASSE Standard 1061. The use of SharkBite Evopex polymer fittings shall be approved for underground burial except the fitting shall not be buried;

(a) Under or encased in concrete, or

(b) Underground beneath a building; and

(65) SharkBite Universal DZR brass fittings or SharkBite EvoPEX DZR brass transition fittings meeting ASSE Standard 1061. The use of these fittings shall be approved for underground burial if the fitting is;

(a) Wrapped with self-fusing, formaldehyde and chloride-free, fully cured silicone tape with a minimum thickness of 0.020 inches;

(b) Not buried under or encased in concrete; and

(c) Not buried underground beneath a building.

STEVEN A. MILBY, Chairman

DAVID A. DICKERSON, Secretary

APPROVED BY AGENCY: August 12, 2016

FILED WITH LRC: August 15, 2016 at 9 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 22, 2016, at 9:00 a.m., EDT, in the Department of Housing, Buildings and Construction, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing five working 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. The 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. Written comments shall be accepted through September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation by the above date to the contact person:

CONTACT PERSON: Jared L. Downs, General Counsel, Department of Housing, Buildings and Construction, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601-5412, phone 502-573-0365, fax 502-573-1057, email jared.downs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jared L. Downs

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes parts and materials that have been approved for plumbing use in Kentucky.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to implement the Division of Plumbing's statutory duty to establish a state plumbing code regulating the construction, installation, and alteration of plumbing and plumbing fixtures and appliances, house sewers and private water supplies, including the methods and materials to be used therein within Kentucky.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 318.130 requires the department to promulgate an administrative regulation establishing the Kentucky State Plumbing Code regulating plumbing, which includes the kind and type of parts and materials that may be used.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists Division of Plumbing in establishing uniform standards for the types of parts and materials to be installed in various types of plumbing systems in Kentucky.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment expands the list of permissible tankless water heaters to include specific additional model numbers of Seisco brand water heaters, permit the use of the PHIX cartridge system as a point-source/in-line acid neutralization system, as well as approve the use of the Red White brand valve for use with fusion welded pipe products. This amendment also corrects applicable terminology relating to already approved instantaneous water heater types. This amendment also adds PHIX Cartridge Systems, SharkBite Evopex polymer fittings, SharkBite Universal DZR brass fittings, and SharkBite EvoPEX DZR brass transition fittings to the approved parts and materials list.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to update the list of approved parts and materials to account for new and updated products and technologies.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment directly relates to the permissible types of plumbing parts and materials that may be used in Kentucky buildings.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will increase the options available to the plumbing industry in the design of plumbing systems that may incorporate these types of products.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals engaged in plumbing activity within the Commonwealth, as well as all owners and operators of buildings in which plumbing systems are required or otherwise installed.

(4) Provide an analysis of how the entities identified in question

(3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including;

(a) List the actions that each of the regulated entities identified in question (3) will have to comply with this administrative regulation or amendment: This amendment imposes no new requirements on the affected parties; rather, it merely provides additional options for the selection of desired parts and materials for use within plumbing systems.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Affected entities are not anticipated to incur any increased expenses as a result of this amendment, as this amendment merely adds to the existing types of parts and materials that may be used.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Benefits will include greater flexibility and options in complying with current plumbing requirements for the design and construction of plumbing systems.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There are no anticipated additional costs to administer this amendment.

(b) On a continuing basis: There are no anticipated additional costs to administer this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Implementation of this amendment is anticipated to result in no additional costs to the agency. Any agency costs resulting associated with this amendment will be met with existing agency funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This amendment will not necessitate an increase in fees or require funding to the department for implementation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees increased by this amendment.

(9) TIERING: Is tiering applied? Tiering is not applied as all relevant plumbing work will be subject to the amended requirements.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Housing, Buildings and Construction, Division of Plumbing.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. This administrative regulation is authorized by KRS 318.130.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This amendment is not anticipated to generate additional revenues for the agency.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This amendment is not anticipated to generate additional revenues for the agency.

(c) How much will it cost to administer this program for the first year? There are no anticipated additional costs to administer this regulatory amendment.

(d) How much will it cost to administer this program for subsequent years? There are no anticipated additional costs to administer this regulatory amendment.

VOLUME 43, NUMBER 3 – SEPTEMBER 1, 2016

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): Neutral
Expenditures (+/-): Neutral
Other Explanation: Neutral

PUBLIC PROTECTION CABINET Department of Housing, Buildings and Construction Division of Plumbing (Amendment)

815 KAR 20:080. Waste pipe size.

RELATES TO: KRS Chapter 318
STATUTORY AUTHORITY: KRS 318.130

NECESSITY, FUNCTION, AND CONFORMITY: KRS 318.130 requires the department, after review by [The office is directed by KRS 318.130 through] the State Plumbing Code Committee, to promulgate an administrative regulation establishing the Kentucky [to adopt and put into effect a] State Plumbing Code to regulate plumbing, including [This administrative regulation relates to] the sizes of waste piping [that are needed to serve various types of plumbing fixtures and appurtenances]. This administrative regulation establishes the minimum size of waste piping required for certain fixtures.

Section 1. The minimum size (nominal inside diameter) of traps, soil, or waste branches for a given fixture shall not be less than that established [given] in the following table:

	Minimum Size (in inches)		
	Trap	Branch	Fixture Unit
Automatic clothes washer	2	2	2
Basement floor drain	3	3	3
Bath: sitz	1 1/2	1 1/2	2
Bathtub	1 1/2	1 1/2	1 1/2
Combination fixture	2	2	2
Dental cuspidor	2	2	2
Dishwashers	1 1/2[up]	1 1/2[up]	1 1/2[up]
Disposal Unit	1 1/2	1 1/2	1 1/2
Drinking Fountain	1 1/4	1 1/4	1
Floor drain in toilet room	3	3	3
Floor drain in utility room	3	3	3
Industrial floor drain	4	4	4
Kitchen sink unit	1 1/2[up]	1 1/2[up]	1 1/2[up]
Laundry tray	1 1/2	1 1/2	1 1/2
Lavatories	1 1/4	1 1/4	1
Santistand	3	4	6
Shower Stall	1 1/2	1 1/2	1 1/2
Sinks: bar or soda fountain	1 1/2	1 1/2	1 1/2
Sinks: Barium	2	2	2
Sinks: Chemical	1 1/2[up]	1 1/2[up]	1 1/2[up]
Sink: Clinic	3	4	6
Sinks: Kitchen, residence	1 1/2	1 1/2	1 1/2
Sink: Plaster	2	2	2
Sink: Service	3	3	3
Sink: Service wall type	2	2	2
Sink: three compartment	2	2	2
Urinal: lip	1 1/2	1 1/2	1 1/2
Urinal: pedestal	3	3	3
Urinal: stall	2[up]	2[up]	2[up]
Urinal: trough	1 1/2	1 1/2	1 1/2
Water closet; 3.5 gallon per flush	3	3 or 4	6
1.6 gallon per flush or less	3	3 or 4	4

STEVEN A. MILBY, Chairman
DAVID A. DICKERSON, Secretary

APPROVED BY AGENCY: August 12, 2016

FILED WITH LRC: August 15, 2016 at 9 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 22, 2016, at 9:00 a.m., EDT, in the Department of Housing, Buildings and Construction, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five working 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. The 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. Written comments shall be accepted through September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation by the above date to the contact person:

CONTACT PERSON: Jared L. Downs, General Counsel, Department of Housing, Buildings and Construction, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601-5412, phone 502-573-0365, fax 502-573-1057, email jared.downs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jared L. Downs

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the waste pipe size requirements for various plumbing fixtures and appurtenances for buildings in Kentucky.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to implement the Division of Plumbing's statutory duty to establish a state plumbing code regulating the construction, installation, and alteration of plumbing and plumbing fixtures and appliances, house sewers and private water supplies, including the size of waste pipes.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 318.130 requires the department to promulgate an administrative regulation establishing the Kentucky State Plumbing Code regulating plumbing, which includes waste pipes for plumbing fixtures and appurtenances.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists the Division of Plumbing in establishing the size of waste pipes needed for various fixtures when they are installed in buildings in Kentucky.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment divides water closets into two categories and reduces the amount of fixture units assigned to more efficient water closets.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to allow for the proliferation of water closets that use smaller amounts of water to function.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment directly relates to the permissible quality and type of waste pipes attached to plumbing fixtures that must be used in Kentucky buildings.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will provide greater flexibility in balancing plumbing requirements with an increased desire for water closets that use less water.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals engaged in plumbing activity within the Commonwealth, as well as all owners and operators of buildings in which the plumbing fixtures described in this regulation are required or otherwise installed.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: This amendment reduces the minimum size requirements for certain types of water closets, so no actions will be required.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Affected entities are anticipated to incur decreased expenses for new installations of plumbing fixtures as a result of this amendment, as this amendment reduces the amount of fixture units assigned to more efficient water closets.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Benefits will include a smaller pipe size requirement for plumbing installations, making the installation of plumbing more efficient and consistent with modern water closets.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There are no anticipated additional costs to administer this amendment.

(b) On a continuing basis: There are no anticipated additional

costs to administer this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Implementation of this amendment is anticipated to result in no additional costs to the agency. Any agency costs resulting associated with this amendment will be met with existing agency funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This amendment will not necessitate an increase in fees or require funding from the department for implementation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees increased by this amendment.

(9) TIERING: Is tiering applied? Tiering is applied because the number of fixture units assigned, the minimum size of the trap, and the minimum size of the branch are based on the type of plumbing fixture.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Housing, Buildings and Construction, Division of Plumbing.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. This administrative regulation is authorized by KRS 318.130.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This amendment is not anticipated to generate additional revenues for the agency.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This amendment is not anticipated to generate additional revenues for the agency.

(c) How much will it cost to administer this program for the first year? There are no anticipated additional costs to administer this regulatory amendment.

(d) How much will it cost to administer this program for subsequent years? There are no anticipated additional costs to administer this regulatory amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): Neutral

Expenditures (+/-): Neutral

Other Explanation: Neutral

PUBLIC PROTECTION CABINET

Department of Housing, Buildings and Construction

Division of Plumbing

(Amendment)

815 KAR 20:090. Soil, waste, and vent systems.

RELATES TO: KRS 318.010, 318.015, 318.130, 318.150, 318.200

STATUTORY AUTHORITY: KRS 318.130

NECESSITY, FUNCTION, AND CONFORMITY: KRS 318.130 requires the department[office], after review by the State Plumbing Code Committee, to promulgate an administrative regulation establishing the Kentucky State Plumbing Code regulating plumbing, including the methods and materials that may be used in

Kentucky for soil, waste, and vent systems. This administrative regulation establishes the manufacturer's specification number of the material accepted in the installation and design of soil, waste, and vent systems in each type of plumbing system.

Section 1. Grades and Supports of Horizontal Piping. (1) (a) 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.

(b) The supports or anchors[but] shall not be placed at intervals that exceed ten (10) feet in length.

(2) A stack shall be supported at its base, and each pipe shall be rigidly secured.

(3) No-hub pipe and fittings shall be supported at each joint of pipe and fittings.

(4) Polyvinyl chloride and acrylonitrilebutadiene-styrene schedule forty (40) horizontal piping shall be supported at:

(a) Intervals not to exceed four (4) feet;

(b) The base of each vertical stack; and

(c) Each trap branch as close to the trap as possible.

(5) Polyethylene pipe and fittings shall be continuously supported with a V channel.

(6) A stack shall be rigidly supported at its base and at the floor level.

Section 2. Change in Direction. (1) Except as provided in subsections (2), (3), or (4) of this section, a change in direction shall be made by the appropriate use of a forty-five (45) degree wye, half-wye (1/2), quarter (1/4), sixth (1/6), eighth (1/8) or sixteenth (1/16) bend.

(2) A single sanitary tee may be used in a vertical stack.

(3) A sanitary tee may be turned on its back or side. If turned on its back or side, a sanitary tee shall not be placed at an angle of more than forty-five (45) degrees.

(4) A double sanitary tee may be used on a vertical soil, waste, and vent line.

Section 3. Prohibited Fittings. The following shall be prohibited:

(1) A double hub bend and double hub tee or inverted hub on a sewer, soil, or waste line;

(2) The drilling and tapping of a house sewer or house drain, soil, waste, or vent pipe;

(3) The use of a saddle hub; and

(4) Pipe installed with a hub or restriction that reduces the area or capacity of the pipe.

Section 4. Dead Ends. In the installation of a drainage system, a dead end shall not be used.

Section 5. Protection of Material. (1) A pipe passing under or through a wall shall be protected from breakage.

(2) A pipe passing through or under cinder, concrete, or other corrosive material shall be protected against external corrosion.

Section 6. Materials. (1) Main or branch soil, waste, and vent pipes and fittings within or underneath a building shall be:

(a) Hub and spigot extra heavy or service weight cast iron;

(b) No-hub service weight cast iron;

(c) Galvanized steel;

(d) Galvanized wrought iron;

(e) Lead;

(f) Brass;

(g) Types K, L, M, and DWV copper;

(h) Standard high-frequency welded tubing produced and labeled with the latest ASTM specifications;

(i) Types R-K, R-L, R-DWV brass tubing;

(j) DWV brass tubing produced and labeled as ASTM B587;

(k) Seamless stainless steel tubing;

(l) Grade G or H produced and labeled as ASTM A-312;

(m) Polyvinyl chloride schedule 40 or 80 produced and labeled as ASTM D2665, D1784, and F-891;

(n) Coextruded composite PVC pipe produced and labeled

ASTM F-1488;

(o) Acrylonitrile-butadiene-styrene schedule 40 or 80 produced and labeled as ASTM D2661, F-1488, or F-628; or

(p) Silicon iron or borosilicate.

(2) A main or branch soil waste and vent pipe and fittings underground shall either be:

(a) Hub and spigot extra heavy or service weight cast iron;

(b) No-hub service weight cast iron;

(c) Type K or L copper pipe;

(d) Type R-K, R-L brass tubing;

(e) Lead; or

(f) Silicon iron or borosilicate pipe and fittings or plastics DWV established in this section.

(3) Underground waste pipe installed beneath a concrete slab shall not be less than two (2) inches in diameter and shall extend no less than twelve (12) inches above the concrete slab.

Section 7. Size of Soil and Waste Pipe per Fixture Unit on One Stack. (1) 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	unlimited	172
5	unlimited	342
6	unlimited	576
8	unlimited	1600
10	unlimited	2900
12	unlimited	4600

(2) A water closet shall be on a minimum of a three (3) inch soil and waste pipe with a maximum of three (3) water closets or soil discharging fixtures per three (3) inch soil and waste pipe[~~line~~]. Four (4) water closets with a maximum flushing rate of one and six-tenths (1.6) gallons per flush per water closet shall be allowed to discharge into a three (3) inch soil and waste pipe.

Section 8. Soil and Vent Stacks. (1) A building in which a plumbing fixture is installed shall have a soil or waste and vent stack, or stacks, extending full size through the roof.

(2) A soil or waste and vent stack shall be as direct as possible and free from sharp bends or turns.

(3) 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 administrative regulation except that more than:

(a) Three (3) water closets with a flush rate of three and five-tenths (3.5) gallons per flush shall not discharge into a three (3) inch stack; and

(b) Four (4) water closets with a flush rate of one and six-tenths (1.6) gallons per flush or less shall not 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 this administrative 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 may be added to the house drain with a three (3) inch trap if it conforms with the requirements of Section 24 of this administrative regulation, without counting toward the fixture units of the system.

Section 11. Soil and Waste Stacks, Fixture Connections. (1) A soil and waste stack or branch shall have correctly faced inlets for fixture connections.

(2) Each fixture shall be independently connected to the soil or waste system.

(3) A fixture connection to a water closet, floor-outlet pedestal sink, pedestal urinal, or other similar plumbing fixture shall be:

- (a) Cast iron;
- (b) Lead;
- (c) Brass;
- (d) Copper; or
- (e) Plastic closet bend.

(4) A three (3) inch closet bend shall have a four (4) inch by three (3) inch flange.

Section 12. Changing Soil and Vent Pipes in an Existing Building. If the soil, waste, and vent piping in an existing building is not extended undiminished through the roof, or if 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. (1) A fixture connection shall not be made to a lead bend or a branch of a water closet or a similar fixture.

(2) A vent pipe 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. (1) 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.

(2) 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. (1) A roof extension of soil and waste stacks shall run full size at least one (1) foot above the roof.

(2) If the roof is used for purposes other than weather protection, the extension shall not be less than five (5) feet above the roof.

(3) A stack 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.

(4) 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. (1) 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.

(2) If the new building is built higher than the existing building, the owner of the new building shall not locate a window within ten (10) feet of an existing vent stack on the lower building.

Section 18. Protected Traps and Vents. (1) A fixture trap shall be protected against siphonage and backpressure.

(2) Air circulation shall be assured by means of an individual vent.

(3) A crown vent shall not be permitted.

Section 19. Distance of Trap from Vent. (1)(a) 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.

(b) The fixture trap vent, except for a water closet or a similar fixture, shall not be below the dip of the trap, and each ninety (90) degree turn in the waste line of the main waste, soil, or vent pipe shall be washed.

(c) A fixture trap shall have a vent located with a developed length not greater than that in the following table:

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 four (4) feet six (6) inches.

Section 20. Main Vents to Connect at Base. (1) All main vents or vent stacks shall:

(a) Connect full size at the base of the main soil or waste pipe at or below the lowest fixture branch; and

(b) Extend undiminished in size through the roof or be reconnected with the main soil or vent stack at least six (6) inches above the rim of the highest fixture.

(2)(a) Except as established in paragraph (b) of this subsection, if it becomes necessary to increase the size of a vertical vent stack, the entire stack shall be increased from its base.

(b) If the height of a stack which does not serve as the main vent is less than forty-five (45) feet, it shall not be required to be increased from its base.

Section 21. Vents; Required Sizes. (1) The required size of a vent or vent stack shall be determined by the total number of fixture units it serves and the developed length of the vent, interpolating, if 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 a residential installation, 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 system, 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. (1) A vent or branch vent pipe 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.

(2) If a vent pipe connects 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 shall 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. (1) A vent 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.

(2) 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. Conditions Under Which Common Vent Permissible. If 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 distance established in Section 19 of this administrative 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 this administrative regulation.

Section 26. Floor Drain Individual Vent Not Required. (1) A manufacturer's floor drain shall not require an individual vent if placed on a waste line for a floor drain within the 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.

(2) An open receptacle may be connected to a floor drain line without being vented if the waste line discharges into a four (4) inch master trap before entering the sanitary sewer system.

Section 27. Floor Drain. A floor drain or service sink installed on the operational floor level of a sewage and water treatment plant facility that discharges into an open sump and is not connected directly to the sanitary sewage system shall not be required to be trapped or vented.

Section 28. House Drain Material. A house drain shall be:

- (1) Extra heavy cast iron;
- (2) Service weight cast iron;
- (3) Brass;
- (4) Type (K) or (L) copper;
- (5) Lead;
- (6) ABS or PVC plastic; or
- (7) Ductiron.

Section 29. Indirect Waste Connections. (1) 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.

(2) The drain shall be vented to the outside air.

(3) The waste pipe shall discharge into an open sink or another approved open receptacle that is properly supplied with water in accordance with this administrative regulation.

(4) The connection shall not be located in an inaccessible or unventilated area.

Section 30. Bar and Soda Fountain Wastes. (1)(a) A bar and soda fountain waste, sink, or receptacle shall have a one and one-half (1 1/2) inch P trap and branches.

(b) The main shall not be less than two (2) inches.

(c) The fresh air pipe shall not be less than one and one-half (1 1/2) inches.

(d) The main waste line shall discharge into a properly vented and trapped open receptacle inside or outside a building.

(2) A floor receptor or floor sink may be installed flush with the finished floor if it has a full grate with an attached funnel to receive indirect waste.

(3) A floor receptor or floor sink installed specifically for the indirect wastes from a tilting braising pan, tilting kettle, or 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 if it discharges into a septic system.

Section 32. Refrigerator and Condensate Wastes. (1) A refrigerator or condensate discharge waste pipe shall not be less than:

(a) One and one-half (1 1/2) inches for one (1) to three (3) openings; and

(b) Two (2) inches for four (4) to eight (8) openings.

(2) Each opening shall be trapped.

(3) The waste piping shall be equipped with sufficient cleanouts to allow for thorough cleaning.

Section 33. Overflow Pipes. (1) 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.

(2) The waste pipe shall discharge upon a roof or into a trapped open receptacle.

Section 34. Acid and Chemical Wastes. (1) A corrosive liquid shall not be permitted to discharge into the soil, waste, or sewer system unless otherwise permitted by this administrative regulation.

(2) 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. (1) Laboratory waste piping shall be sized in accordance with this administrative regulation and each fixture shall be individually trapped.

(2) 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 if the pit has a ventilated cover.

(3) If a dilution pit is not required and is not used, the fixtures shall be individually vented.

(4) 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.

(5) A fixture branch exceeding more than the distance established in the table in Section 19 of this administrative regulation from the main shall be revented, and the distance shall be measured from the center of the main to the center of the vertical riser.

(6)(a) A fixture connection shall rise vertically to a height so that the trap shall not be lower than twelve (12) inches from the bottom of the sink.

(b) 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. (1) Underground piping for acid wastes shall be:

(a) Extra heavy salt glazed vitrified pipe;

(b) Silicon iron;

(c) Lead;

(d) Polyethylene pipe and fittings produced and labeled as ASTM D204;

(e) Polypropylene pipe produced and labeled as ASTM D4101;

(f) Polypropylene pipe and fittings produced and labeled as ASTM F-1412; or

(g) Chlorinated Poly Vinyl Chloride (CPVC) Chemical Waste Drainage Systems meeting ASTM F-2618; or

(h) Other materials approved in 815 KAR 20:020, Section 5.

(2) Piping for acid wastes and vents above ground shall be:

(a) Silicon iron;

(b) Lead;

(c) Borosilicate;

(d) Polyethylene pipe produced and labeled as ASTM D-1204-

62T;

(e) Polypropylene pipe produced and labeled as ASTM D-4101-85; or

(f) Filament-wound reinforced thermosetting resin pipe produced and labeled as ASTM D-2996 (green or poly thread); or

(g) Chlorinated Poly Vinyl Chloride (CPVC) Chemical Waste Drainage Systems meeting ASTM F-2618.

Section 37. Special Vents. A flat vent may be allowed if the design of the building prohibits the type of venting required by this administrative regulation.

Section 38. Basement Floor Drains and Sanitary Sewage Systems. (1) Except for a basement floor drain exempted pursuant to subsection (2) of this section, a basement floor drain shall be connected to the house sewer and properly trapped and vented as established in this administrative regulation.

(2)(a) A basement floor drain in a single family dwelling 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.

(b) If the drain is not to be connected to the house sewer, the installation shall also be exempt from the waste, trap, and venting provisions of the State Plumbing Code.

STEVEN A. MILBY, Chairman

DAVID A. DICKERSON, Secretary

APPROVED BY AGENCY: August 12, 2016

FILED WITH LRC: August 15, 2016 at 9 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 22, 2016, at 9:00 a.m., EDT, in the Department of Housing, Buildings and Construction, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five working 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. The 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. Written comments shall be accepted through September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation by the above date to the contact person:

CONTACT PERSON: Jared L. Downs, General Counsel, Department of Housing, Buildings and Construction, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601-5412, phone 502-573-0365, fax 502-573-1057, email jared.downs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jared L. Downs

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements and approved materials for the installation and design of soil, waste and vent systems in each type of plumbing system.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to implement the Division of Plumbing's statutory duty to establish a state plumbing code regulating the construction, installation, and alteration of plumbing and plumbing fixtures and appliances, house sewers and private water supplies, and methods and materials to be used.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 318.130 requires the department to promulgate an administrative regulation establishing the Kentucky State Plumbing Code regulating plumbing, which

includes the construction and quality of materials.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists the Division of Plumbing in establishing uniform standards for the quality and construction of materials used in all regulated plumbing systems.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment increases the number of water closets that can discharge into a three (3) inch waste stack of a plumbing system.

(b) The necessity of the amendment to this administrative regulation: Due to the reduction of water required to flush a water closet, it has become more likely that solid waste will build up in waste pipes, leading to blockage. By reducing the fixture unit load for water closets with a flush rating of 1.6 gallons per flush or less, the water will carry solid waste further down the system, reducing the chance of blockage. This amendment will allow for the installation of up to 4 water closets with a maximum flush rating of 1.6 gallons per flush on a three inch waste stack.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment directly relates to the permissible methods and materials that may be used in Kentucky for soil, waste, and vent systems.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will provide greater flexibility in balancing plumbing requirements with an increased desire for water closets that use less water.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals engaged in plumbing activity within the Commonwealth, as well as all owners and operators of buildings in which the plumbing fixtures described in this Regulation are required or otherwise installed.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: This amendment reduces a minimum requirement for certain types of water closets, so no actions will be required.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Affected entities are anticipated to incur decreased expenses for new installations of plumbing fixtures as a result of this amendment, as this amendment reduces the required pipe size for more efficient water closets.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Benefits will include reduced material and labor cost in new installations of efficient water closets as well as preventing solids from building up in waste stacks to which efficient water closets are attached.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There are no anticipated additional costs to administer this amendment.

(b) On a continuing basis: There are no anticipated additional costs to administer this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Implementation of this amendment is anticipated to result in no additional costs to the agency. Any agency costs resulting associated with this amendment will be met with existing agency funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This amendment will not necessitate an increase in fees or require funding from the department for implementation.

(8) State whether or not this administrative regulation

establishes any fees or directly or indirectly increases any fees: There are no fees increased by this amendment.

(9) TIERING: Is tiering applied? Tiering is not applied as all relevant soil, waste, and vent systems work will be subject to the amendments.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Housing, Buildings and Construction, Division of Plumbing.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. This administrative regulation is authorized by KRS 318.130.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This amendment is not anticipated to generate additional revenues for the agency.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This amendment is not anticipated to generate additional revenues for the agency.

(c) How much will it cost to administer this program for the first year? There are no anticipated additional costs to administer this regulatory amendment.

(d) How much will it cost to administer this program for subsequent years? There are no anticipated additional costs to administer this regulatory amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): Neutral
Expenditures (+/-): Neutral
Other Explanation: Neutral

**PUBLIC PROTECTION CABINET
Department of Housing, Buildings and Construction
Division of Plumbing
(Amendment)**

815 KAR 20:120. Water supply and distribution.

RELATES TO: KRS 318.010, 318.130, 318.150, 318.165, 318.200

STATUTORY AUTHORITY: KRS 198B.040(10), 318.130

NECESSITY, FUNCTION, AND CONFORMITY: KRS 318.130 requires the department, after review by the State Plumbing Code Committee, to promulgate an administrative regulation establishing the Kentucky State Plumbing Code regulating plumbing, including the methods and materials that may be used in Kentucky. This administrative regulation establishes the types of piping and pipe sizes required for a potable water supply system and the methods to be used to protect and control the water supply system and requires the manufacturer's specification number of the material accepted in those installations to be identified and published.

Section 1. Definitions. (1) "ASSE" means the American Society of Sanitary Engineers.

(2) "ASTM" means the American Society for Testing Materials.

(3) "Critical level" or "CL" means the level to which the vacuum breaker may be submerged before backflow will occur, and if the CL marking is not shown on the vacuum breaker, the bottom of the device shall be taken as the CL.

(4) "DWV" means drain, waste and vent piping.

(5) "NSF" means the National Sanitation Foundation.

(6) "SDR" means standard dimensional ratio.

Section 2. Quality. (1) The bacteriological and chemical quality of the water supply shall comply with the administrative regulations of the office and the Division of Water. Toxic material shall be kept out of a potable water system.

(a) The pipe conveying, and each surface in contact with, potable water shall be constructed of nontoxic material.

(b) A chemical or other substance that could produce either a toxic condition, taste, odor, or discoloration in a potable water system shall not be introduced into, or used in, the system.

(c) The interior surface of a potable water tank shall not be lined, painted, or repaired with a material that will affect the taste, odor, color, or potability of the water supply if the tank is placed in, or returned to, service.

(2) Potable water shall be accessible to a plumbing fixture that supplies water for drinking, bathing, culinary use or the processing of a medicinal, pharmaceutical, or food product.

(3) The potable water supply system shall be designed, installed, and maintained to prevent contamination from a nonpotable liquid, solid, or gas being introduced into the potable water supply through a cross connection or other piping connection to the system.

(4) A cross connection shall meet the requirements of this administrative regulation.

(5) A cross connection between a private water supply and a public water supply shall not be made.

(6) Closed water systems, protection from excess pressure.

(a) If a single check valve is installed in a water system, a thermal expansion tank sized in accordance with manufacturer's instructions shall be installed in the cold water supply located near the water heater.

(b) If a backflow preventer is installed in a water system, a properly sized thermal expansion tank or other pressure relief device listed in 815 KAR 20:020 shall be installed in the water distribution system.

(c) If a pressure reducing valve not equipped with a bypass is installed in the cold water supply line to a water heater, a thermal expansion tank shall be installed in the cold water line near the water heater.

(7) Backflow and back siphonage protection. Protection against backflow shall be provided as required in paragraphs (a) through (l) of this subsection in order of degree of protection provided. Backflow shall include both back pressure and back siphonage.

(a) An air gap shall provide the best level of protection in all backflow situations. The minimum required air gap shall be determined as follows:

1. How measured. The minimum required air gap shall be measured vertically from the lowest end of a potable water outlet to the flood rim or line of the fixture or receptacle into which it discharges.

2. Size. The minimum required air gap shall be:

a. Twice the effective opening of a potable water outlet; or

b. If the outlet is a distance less than three (3) times the effective opening away from a wall or similar vertical surface, three (3) times the effective opening of the outlet.

3. The minimum required air gap shall not be less than shown in the following table - Minimum Air Gaps for Plumbing Fixtures.

MINIMUM AIR GAPS FOR PLUMBING FIXTURES		
Fixture	Minimum Air Gap	
	When not affected by near wall (inches)	When affected by near wall (inches)
Lavatories and other fixtures with effective opening not greater than 1/2 inch diameter	1	1 1/2
Sink, laundry trays, gooseneck bath faucets and other fixtures with effective openings not greater than 3/4 inch diameter	1 1/2	2 1/4

Over rim bath fillers and other fixtures with effective openings not greater than 1 inch diameter	2	3
Drinking water fountains - single orifice not greater than 7/16 (0.437) inch diameter or multiple orifices having total area of 0.150 square inches (area of circle 7/16 inch diameter)	1	1 1/2
Effective openings greater than 1 inch	2 x diameter of effective opening	3 x diameter of effective opening

NOTE 1. Side walls, ribs, or similar obstructions do not affect air gaps if spaced from the inside edge of the spout opening a distance greater than three (3) times the diameter of the effective opening for a single wall, or a distance greater than four (4) times the diameter of the effective opening for two (2) intersecting walls.

NOTE 2. Vertical walls, ribs, or similar obstructions extending from the water surface to or above the horizontal plane of the spout opening require a greater air gap if spaced closer to the nearest inside edge of spout opening than specified in NOTE 1 above. The effect of three (3) or more vertical walls or ribs has not been determined. In this case, the air gap shall be measured from the top of the wall.

(b) A reduced pressure principle back pressure backflow preventer. A reduced pressure principle back pressure backflow preventer shall provide the best mechanical protection against backflow available and shall be considered equivalent to an air gap.

(c) Double check valve assembly: applicable to low level of hazard back pressure backflow conditions. This device shall be a manufactured assembly consisting of two (2) independently acting check valves and including a shutoff valve at each end, and petcock and test gauge for testing the watertightness of each check valve.

(d) Pressure type vacuum breaker: applicable to back siphonage conditions.

(e) Atmospheric type vacuum breaker: applicable to back siphonage conditions. If applicable, an atmospheric type vacuum breaker shall be installed after the last cutoff valve on the water line. This device may operate under normal atmospheric pressure if the critical level (CL) is installed at the required height in accordance with the table in this paragraph:

CRITICAL LEVEL (CL) SETTINGS FOR ATMOSPHERIC TYPE VACUUM BREAKERS	
Fixture or Equipment	Method of Installation
Aspirators, ejectors, and showers	CL at least 6 in. above flood level of receptacle
Bidets	CL at least 6 in. above flood level of receptacle
Cup beverage vending machines	CL at least 12 in. above flood level of machine
On models without built-in vacuum breakers:	
Dental units	CL at least 6 in. above flood level rim of bowl.
Dishwashing machines	CL at least 6 in. above flood level of machine
Flushometers (closet & urinal)	CL at least 6 in. above top of fixture supplied
Garbage can cleaning machines	CL at least 6 in. above flood level of machine
Hose bibs (sinks or receptacles)	CL at least 6 in. above flood level of receptacle served
Hose outlets	CL at least 6 in. above highest point on hose line
Laundry machines	CL at least 6 in. above flood level of machine

Lawn sprinklers	CL at least 12 in. above highest sprinkler or discharge outlet
Steam tables	CL at least 12 in. above flood level
Tanks & vats	CL at least 6 in. above flood level rim or line

(f) Barometric loop: applicable to back siphonage conditions. The use of a barometric loop shall not be acceptable as the primary back siphonage preventer.

(g) Location of backflow and back siphonage preventers.

1. A backflow and back siphonage preventer shall be in an accessible location, and accessible from within the same room as the fixture or connection it protects.

2. A backflow device may be installed in a utility or service space.

3. A device or air gap shall not be installed in a location subject to flooding or freezing.

(h) Inspection of devices.

1. A periodic inspection shall be made of each backflow and back siphonage preventer to determine if it is in proper working condition.

2. A reduced pressure principle back pressure backflow preventer shall be tested on at least an annual basis.

3. Records shall be kept on each inspection.

(i) Approval of devices.

1. Before a device for the prevention of backflow or back siphonage is installed, it shall be identified as meeting the applicable specifications as listed in the application chart included in paragraph (l) of this subsection.

2. A device installed in a building potable water supply distribution system for protection against backflow shall be maintained in good working condition by the person responsible for the maintenance of the system.

(j) Protection of potable water system. A potable water opening, outlet, or connection, except one (1) that serves a residential unit, shall be protected against backflow in accordance with paragraphs (a) through (l) of this subsection.

(k) Degree of hazard. The protection required at an outlet or connection shall be determined based on the degree of hazard posed by that outlet or connection as follows:

1. Severe hazard, if there is potential for contamination by a toxic substance or disease-causing organism;

2. Moderate hazard, if there is potential for contamination by a nontoxic but objectionable substance; or

3. Minor hazard, if there is potential for contamination by a generally nontoxic, nonobjectionable substance, but which may cause the consumer to question the quality of water.

(l) Minimum acceptable protection. An opening or outlet shall be protected by an air gap between the opening and flood level rim if possible. The acceptable protection for various types of outlets or connections shall be as shown in the tables in this paragraph:

VOLUME 43, NUMBER 3 – SEPTEMBER 1, 2016

APPLICATION TABLE					
TYPE AND PRESSURE	DESCRIPTION	INSTALLED AT	EXAMPLES OF INSTALLATIONS	APPLICABLE SPECIFICATIONS	
Reduced pressure principle backflow preventer for high hazard cross connections	Two independent check valves with intermediate relief valve. Supplied with shut-off valves and ball-type test cocks.	All cross connections subject to backpressure or back siphonage if there is a high potential health hazard from contamination. Continuous pressure.	Main supply lines, commercial boilers, cooling towers, hospital equipment, processing tanks, laboratory equipment, waste digesters, car wash, sewage treatment, lawn sprinklers	ASSE No. 1013 AWWA C506 FCCCHR of U.S.C. CSA B.64.4 Sizes 3/4" - 10"	
(A) Double check valve assembly for low hazard cross connections	Two independent check valves. Supplied with shutoff valves and ball type test cocks.	All cross connections subject to back pressure if there is a low potential health hazard or nuisance. Continuous pressure.	Main supply lines, food cookers, tanks and vats, commercial pools	NONTOXIC	ASSE No. 1015 AWWA C506 FCCCHR of U.S.C. CSA B.64.5 Sizes 3/4" - 10"
(B) Dual check valve backflow preventer for low hazard applications	Two independent check valves. Checks are removable for testing	Cross connections if there is a low potential health hazard and moderate flow requirements.	Post ground hydrants		ASSE No. 1024 Sizes 3/4" & 1"
(A) Backflow preventer with intermediate atmospheric vent for moderate hazard cross connections in small pipe sizes	Two independent check valves with intermediate vacuum breaker and relief valve.	Cross connections subject to back pressure or back siphonage if there is a moderate health hazard. Continuous pressure.	Boilers (small), cooling towers (small), dairy equipment residential	ASSE No. 1012 CSA B.64.3 Sizes 1/2" & 3/4"	
(B) Backflow preventer for carbonated beverage machine	Two independent check valves with a vent to atmosphere	On potable water distribution lines serving beverage-dispensing equipment to prevent backflow of carbon dioxide gas and carbonated water into the water supply system.	Postmix carbonated beverage machine	ASSE 1022	
(C) Laboratory faucet and double check valve with intermediate vacuum breaker in small pipe sizes for moderate to low hazard	Two independent check valves with intermediate vacuum breaker and relief vent.	Cross connection subject to back pressure or back siphonage if there is a moderate to low health hazard.	Laboratory faucets and pipe lines, barber shop and beauty parlor sinks	ASSE No. 1035 (N-LF9)	
(A) Atmospheric vacuum breakers for moderate to high hazard cross connections	Single float and disc with large atmospheric port.	Cross connections not subject to backpressure or continuous pressure. Install at least 6" above fixture rim. Protection against back siphonage only.	Process tanks, dishwashers, soap dispensers, washing machines	ASSE No. 1001 ANSI.A112.1.1 CSA B.64.1.1 FCCCHR of U.S.C. Sizes 1/4" - 3"	
(B) Antisiphon pressure breakers for moderate to high hazard cross connections	Spring loaded single float and disc with independent 1st check. Supplied with shutoff valves and ball type test cocks.	This valve is designed for installation in a continuous pressure potable water supply system 12" above the overflow level of the system being supplied. Protection against back siphonage only.	Laboratory equipment, cooling towers, commercial laundry machines, swimming pools, commercial plating tanks, large toilet total & urinal facilities, degreasers, photo tanks, livestock water systems, lawn sprinklers	ASSE No. 1020 CSA B.64.1.2 FCCCHR of U.S.C. Sizes 1/2" - 2"	
(C) Hose connection vacuum breakers for residential and industrial hose supply outlets	Single check with atmospheric vacuum breaker vent.	Install directly on hose bibs, service sinks and wall hydrants. Not for continuous pressure.	Hose bibs, service sinks, hydrants	ASSE No. 1011 CSA B.64.2 Size 3/4" Hose	

VOLUME 43, NUMBER 3 – SEPTEMBER 1, 2016

CROSS CONNECTIONS, DEGREE OF HAZARD AND ACCEPTABLE PROTECTION FOR VARIOUS PLUMBING OUTLETS AND CONNECTIONS								
Type of Connection	Degree of Hazard				Acceptable Protection			
	Severe	Moderate	Minor	Air Gap	Reduced Pressure Device	Backflow	Backsiphonage	
						Double Check Valve Assembly	Pressure Type Vacuum Breaker	Atmospheric Type Vacuum Breaker
I. Connections subject to back pressure from:								
A. Pumps, tanks, and lines handling:								
1. Toxic substance	X			X	X			
2. Nontoxic substance		X		X	X	X		
B. Boilers								
1. With chemical additives	X			X	X			
2. Without chemical additives		X		X	X	X		
C. Gravity due to obvious site conditions subject to:								
1. Contamination by toxic substances	X			X	X			
2. Contamination by nontoxic substances		X		X	X	X		
II. Water outlets and connections not subject to back pressure:								
A. Connection to sewer or sewage pump	X			X				
B. Outlet to receptacles containing toxic substances	X			X	X		X	X
C. Outlet to receptacles containing nontoxic substances		X		X	X	X	X	X
D. Outlet into domestic water tanks			X	EACH CASE TREATED SEPARATELY				
E. Flush valve toilets	X			X	X		X	X
F. Flush valve urinals		X		X	X		X	X
G. Outlets with hose attachments subject to contamination from:								
1. Toxic substance	X			X	X		X	X
2. Nontoxic substance		X		X	X	X	X	
H. Outlets to recirculating cooling tower								
1. With chemical additives	X			X	X			
2. Without chemical additives		X		X	X	X		

Section 3. Water Required. (1) A building equipped with a plumbing fixture and used for habitation or occupancy shall be equipped with a supply of potable water.

(2) In a building used as a residence or a building in which people assemble or are employed, both hot and cold water shall be supplied.

Section 4. Water Service. (1) The water service piping to a building shall:

- (a) Not be less than three-fourths (3/4) inch nominal pipe size; and
- (b) Be of sufficient size to permit a continuous and ample flow of water to each fixture in the building.

(2) Except as provided in this subsection, the underground water service pipe from the main or water supply system to the water distribution system shall not be less than five (5) feet apart horizontally from the house sewer and shall be separated by undisturbed or compacted earth. The pipe may be placed in the same trench if:

- (a) The bottom of the water service pipe at all points is at least eighteen (18) inches above the top of the sewer at its highest point;
- (b) The water service pipe is placed on a solid shelf excavated at one (1) side of the common trench; and
- (c) The number of joints in the water service pipe is kept to a minimum.

Section 5. Distribution. (1) The water supply shall be distributed through a piping system entirely independent of another

piping system.

(2) Piping which has been used for a purpose other than conveying potable water shall not be used for conveying potable water.

(3) Nonpotable water may be used for flushing a water closet or urinal, if the water is piped in an independent system.

(a) If a dual water distribution system is used, the nonpotable water supply shall be durably and adequately identified.

(b)1. An outlet on the nonpotable water distribution system used for a drinking or domestic purpose shall be permanently posted: DANGER - UNSAFE WATER.

2. Each branch, fitting, or valve shall be identified by the phrase - "NONPOTABLE WATER" either by a sign or brass tag that shall be permanently affixed to the pipe, fitting, or valve.

3. The identification marking shall not be concealed and shall be maintained by the owner.

(4) A backflow device or cross-connection control device shall be approved by the department.

(5) A combination stop and waste valve, cock, or hydrant shall not be installed in the underground water distribution system without the installation of an approved backflow preventer.

(6) A private water supply shall not be interconnected with a public water supply.

(7) Water used for cooling of equipment or in another process shall not be returned to the potable water system. The water shall be discharged into a drainage system through an air gap, or used for a nonpotable purpose as referenced in this section.

(8) Hose connections other than those intended for clothes

washing machines, frost proof burial hydrants, and water heater drain valves shall be equipped with a vacuum breaker ASSE 1011 for areas not subject to freezing and a vacuum breaker ASSE 1019 for areas subject to freezing.

Section 6. Water Supply to Fixtures. (1) A plumbing fixture shall be provided with a sufficient supply of water for flushing to keep them in a sanitary condition.

(2) A water closet or pedestal urinal shall be flushed by means of an approved tank or flush valve.

(3) The tank or valves shall furnish at least a sufficient amount of water to thoroughly cleanse the surface area of a water closet, urinal, or similar fixture.

(4) If a water closet, urinal, or similar fixture is supplied directly from the water supply system through a flushometer or other valve, the valve shall be set above the fixture to prevent the possibility of polluting the potable water supply by back siphonage.

(5) The fixture shall have a vacuum breaker.

(6) A plumbing fixture, device or appurtenance shall be installed in a manner that shall prevent a possibility of a cross connection between the potable water supply system, drainage system, or other water system.

Section 7. Connections to Boilers. (1) A potable water connection to a boiler feed water system in which a boiler water conditioning chemical is introduced shall be made through an air gap, or provided with a reduced pressure principle backflow preventer located in the potable water line before the point where a chemical is introduced.

(2) A boiler shall be equipped with a check valve in the cold water supply to the boiler.

Section 8. Water Supply to Drinking Fountains. The orifice of a drinking fountain shall be provided with a protective cowl to prevent contamination of the potable water supply system.

Section 9. Sizing of Water Supply Piping. (1)(a) The minimum size water service from the property line to the water heater shall be three-fourths (3/4) inch.

(b) The hot and cold water piping shall extend three-fourths (3/4) inch in size to the first fixture branch.

(c) More than three (3), one-half (1/2) inch fixture branches shall not be supplied from a one-half (1/2) inch pipe.

(2)(a) The schedule in this subsection shall be used for sizing the water supply piping to a fixture.

(b) The branch pipe to a fixture shall terminate not more than thirty (30) inches from the point of connection to the fixture and shall be brought to the floor or wall adjacent to the fixture.

(c) A concealed water branch pipe shall not be less than one-half (1/2) inch nominal pipe size.

Fixture Branches	Nominal Pipe Size (Inches)
Bath tubs	1/2
Combination sink and tray	1/2
Cuspidor	1/2
Drinking fountain	1/2
Dishwasher (domestic)	1/2
Kitchen sink (res.)	1/2
Kitchen sink (com.)	1/2 or 3/4 as required
Lavatory	1/2
Laundry tray	1/2
Sinks (service, slop)	1/2
Sinks flushing rim	3/4
Urinal (flush tank)	1/2
Urinal (direct flush type)	1/2 or 3/4 as required
Water closet (tank type)	1/2
Water closet (flush valve type)	1
Hot water boilers	3/4
Hose bibs	1/2
Wall hydrant	1/2
Domestic clothes washer	1/2
Shower (single head)	3/4

(3) Water hammer. In a building supply system in which a device or appurtenance is installed utilizing a quick acting valve that causes noise due to water hammer, a protective device, including an air chamber or approved mechanical shock absorber, shall be installed as close as possible to the quick acting valve causing the water hammer.

(a) If a mechanical shock absorber is installed, the absorber shall be in an accessible place.

(b) If a mechanical device is used, the manufacturer's specifications shall be followed as to location and method of installation.

Section 10. Water Supply Pipes and Fittings, Materials. (1) Water supply piping for a potable water system shall be as follows:

(a) Galvanized wrought iron;

(b) Galvanized steel;

(c) Brass;

(d) Types K, L, and M copper;

(e) Cast iron;

(f) Types R-K, R-L, and R-M brass tubing;

(g) Fusion welded copper tubing produced and labeled as ASTM B-447-2002 and ASTM B-251;

(h) DWV welded brass tubing produced and labeled as ASTM B587;

(i) Seamless stainless steel tubing, Grade H, produced and labeled as ASTM A268/268M;

(j) Filament-wound reinforced thermosetting resin pipe produced and labeled as ASTM D-2996 (red thread for cold water use and silver and green thread for hot and cold);

(k) Polyethylene (PE) plastic pipe produced and labeled as ASTM D2239 or ASTM F-714;

(l) Cross-linked polyethylene (PEX) pipe produced and labeled as ASTM F-876 for cold water and ASTM F-877 for hot or cold water applications;

(m) Cross-linked Polyethylene/Aluminum/Cross-linked Polyethylene (Pex-Al-Pex) pipe produced and labeled as ASTM F-1281;

(n) Polyethylene/Aluminum/Polyethylene (Pe-Al-Pe) pipe produced and labeled as ASTM F-1282;

(o) Copper tubing size PE produced and labeled as ASTM D-2737 for water service, if installed with compression couplings;

(p) Polyvinyl chloride (PVC) plastic pipe produced and labeled as ASTM D1785;

(q) Chlorinated Polyvinyl chloride (CPVC) plastic pipe produced and labeled as ASTM D2846;

(r) Schedule 80 chlorinated polyvinyl chloride (CPVC) plastic pipe shall meet ASTM F441;

(s) Schedule 80 chlorinated polyvinyl chloride (CPVC) plastic solvent fittings shall meet ASTM F439;

(t) Schedule 80 chlorinated polyvinyl chloride (CPVC) plastic threaded fittings shall meet ASTM F437;

(u) Schedule 80 chlorinated polyvinyl chloride (CPVC) plastic pipe and fittings shall be installed using primer meeting ASTM F656 and solvent cement meeting ASTM F493;

(v) Polyvinyl chloride (PVC) standard dimensional ratio (SDR) 21 and (SDR) 26 pipe produced and labeled as ASTM D-2241-05;

(w) Fusion welded polypropylene pipe products measuring one-half (1/2) inch to eighteen (18) inches in diameter which meet NSF Standards 61 and 14, and ASTM F2389, shall be approved. These pipe products shall be tested for compliance with the manufacturer's installation instructions;

(x) Fusion welded high density polyethylene pipe products which meet NSF Standards 61 and 14, and ASTM F3035 and F714, shall be approved for underground use. These pipe products shall be tested for compliance with the manufacturer's installation instructions;[ø]

(y) Push-fit fitting systems which meet the ASSE Standard 1061. Except as established in 815 KAR 20:020, these systems are approved for above-ground use only using pipe sizes up to two (2) inches; or

(z) PE-RT Piping (Polyethylene of Raised Temperature) meeting ASTM F2769.

(2) A plastic pipe or fitting shall bear the NSF seal of approval.

(3) Polybutylene pipe utilizing an insert fitting of brass or copper shall use a copper clamping ring.

(4) A polybutylene hot and cold water connector to a lavatory, sink, or water closet shall be produced and labeled as ASTM D3309, and polybutylene plastic pipe shall be produced and labeled as ASTM 2662 for a cold water application.

(5) A fitting shall be brass, copper, approved plastic, galvanized cast iron, or galvanized malleable iron. Piping or a fitting that has been used for another purpose shall not be used for the water distribution system.

(6) Each joint in the water supply system shall be made of a screw, solder, or plastic joint. A cast iron water pipe joint may be caulked, screwed, or machine drawn.

(7) If Type M copper pipe, Type R-M brass tubing, standard high frequency welded tubing or stainless steel tubing is placed within a concrete floor or passes through a concrete floor, it shall be wrapped with an approved material to permit expansion or contraction.

(8) Polyethylene or PVC shall not be used below ground under a house or building. If a chlorinated polyvinyl chloride (CPVC) joint or connection is installed below ground under a house or building, the water distribution system shall be tested to at least 100 pounds per square inch before backfilling. The applicable requirements of 815 KAR 20:060 and 815 KAR 20:073 shall be met.

(9) Joints between copper tubing and galvanized steel pipe. The joint between ferrous piping and copper or copper-alloy piping shall be made with a dielectric fitting or other insulating fitting to prevent electrolysis.

Section 11. Temperature and Pressure Control Devices for Shower Installations. A temperature or pressure balance device to prevent a sudden unanticipated change in water temperature shall be installed to serve each shower compartment and shower-bath combination.

Section 12. Water Supply Control. (1) A main shutoff valve shall be provided near the curb, in or near the meter box or property line on the water service pipe. In addition, a main supply control valve shall be placed inside a foundation wall. The main supply control valve shall be a full port valve and be accessible from within the occupied space and provided with a drip or drain valve. A pit or similar type installation shall not be used for a potable water supply shutoff valve.

(2) A pressure or gravity tank shall have its supply line valved at or near its source.

(3) A family unit in a two (2) family or multifamily dwelling shall have the unit controlled by an arrangement of shutoff valves which will permit the unit to be shutoff without interfering with the cold water supply to another family unit or portion of the building.

(4) In a building other than a dwelling, a shutoff valve shall be installed to permit the water supply to the equipment to be isolated without interference with the supply to other equipment.

(5) A fixture or group of bath fixtures shall be valved and a lawn sprinkler opening shall be valved. In residential construction, each fixture, except a bathtub or shower, shall be valved individually or as a group of fixtures.

(6) A group of fixtures or a fixture group shall include two (2) or more fixtures adjacent to or near each other in the same room or back-to-back on a common wall.

(7) The cold water branch to a hot water storage tank or water heater shall be provided with a shutoff valve located near the equipment and serving this equipment. In residential dwellings, the shutoff valve shall be placed within three (3) feet of the water heater and be accessible from the accessible side of the water heater.

Section 13. Water Supply Protection. A concealed water pipe, storage tank, cistern, or other exposed pipe or tank subject to freezing temperatures shall be protected against freezing. A water service shall be installed at least thirty (30) inches in depth.

Section 14. Temperature and Pressure Relief Devices for Water Heaters. (1) A temperature and pressure relief device shall:

(a) Be installed on each water heater on the hot water side not more than three (3) inches from the top of the heater;

(b) If a marked opening is provided on the water heater by the manufacturer for the temperature and pressure relief device, be installed according to the manufacturer's recommendation; and

(c) Be of a type approved by the office in accordance with this administrative regulation and 815 KAR 20:020.

(2)(a) If a water heater is installed in a location that has a floor drain, the discharge from the relief device shall be piped to within two (2) inches of the floor.

(b) If a water heater is installed in a location that does not have a floor drain, the discharge from the relief device shall be piped to the outside of the building with an ell turned down and piped to within four (4) inches of the surface of the ground.

(c) The relief device may discharge through an air gap to a sump basin, service sink, open receptacle or other point of discharge in which equivalent safety shall be provided as approved by the Division of Plumbing.

3) A relief device shall be installed on a pneumatic water system.

Section 15. Protection of a Private Water Supply or Source. A private water supply or source shall be protected from pollution. Approval shall be obtained from the Division of Plumbing prior to using the private water supply or source.

Section 16. Domestic Solar Water Heaters. A domestic solar water heater may have a "single wall heat exchanger" if the following conditions are met:

(1) The solar panel and the water heater exchanger use a nontoxic liquid such as propylene glycol or an equivalent;

(2) The heat exchanger is pretested by the manufacturer to 450 pounds per square inch;

(3) The water heater has a warning label advising that a nontoxic heat exchanger fluid shall be used at all times; and

(4) A pressure relief valve is installed at the highest point in the solar panel.

Section 17. Domestic Water Heater Preheating Device. (1) A domestic water heater preheating device may be used and connected with the high pressure line from the compressor of a domestic home air conditioner or heat pump water heater.

(2) Double wall heat-exchangers with two (2) separate thicknesses separating the heat exchange fluid (other than potable water) from the potable water supply shall be provided.

(3) The water inlet to the heat exchange vessel shall be provided with a check valve. There shall be provided adjacent to, and at the outlet side of the check valve, an approved pressure relief valve set to relieve at five (5) pounds per square inch above the maximum water pressure at the point of installation, if the heat exchange units contain more than twenty (20) pounds of refrigerants. This device shall be equipped with a temperature limit control that would actuate a pump that would circulate hot water from the water heater through the preheater device.

(4) Condensate drain water shall be piped in accordance to the State Plumbing Code and it shall not be permitted to drain into crawl space, or into a sewer or vent stack, or be installed in an area subject to freezing. If a drain is not available or if a drain is located above the vent, a condensate pump shall be utilized.

Section 18. Tanks and Vats below Rim Supply. A tank or vat with potable water supply below the rim shall be subject to the following requirements:

(1) If a potable water outlet terminates below the rim of a tank or vat and the tank or vat has an overflow of diameter not less than given in the table in this subsection, the overflow pipe shall be provided with an air gap as close to the tank as possible;

Sizes of Overflow Pipes for Water Supply Tanks			
Maximum capacity of water supply line to tank	Diameter of Overflow pipe (inches ID)	Maximum capacity of water supply line to tank	Diameter of overflow pipe (inches ID)
0- 50 gpm	2	400- 700 gpm	5
50-150 gpm	2 1/2	700-1000 gpm	6
150-200 gpm	3	Over 1000 gpm	8

(2) The potable water outlet to the tank or vat shall terminate at a distance not less than one and one-half (1 1/2) times the height to which water can rise in the tank above the top of the overflow. This level shall be established at the maximum flow rate of the supply to the tank or vat, and with all outlets, except the air gap overflow outlet, closed; and

(3) The distance from the outlet to the high water level shall be measured from the critical point of the potable water supply outlet.

Section 19. Water Distribution for Fan Coil Units. (1) If a domestic water heater is used for heating purposes through a fan coil medium, its temperature shall not exceed 140 degrees Fahrenheit.

(2) It shall utilize not less than three-fourths (3/4) inch piping and its run shall not exceed 140 feet between the water heater and the heating unit.

(3) The applicable requirements established in 815 KAR 20:070 shall be met.

Section 20. Fire Protection Systems. Except if installing an NFPA 13D fire protection system in a one (1) or two (2) family dwelling, a fire protection system using water from the potable water distribution system shall be equipped with two (2) check valves, one (1) of which may be an alarm check valve.

Section 21. Water Distribution and Connections to Mobile Homes. (1) An adequate and safe water supply shall be provided to each mobile home.

(2) All materials, including the pipe or fitting used for a connection, shall conform with the State Plumbing Code.

(3) An individual water connection shall be provided at an appropriate location for each mobile home space.

(a) The connection shall consist of a riser terminating at least four (4) inches above the ground with two and three-fourths (2 3/4) inch valve outlets with screw connection, one (1) for the mobile home water system and the other for lawn watering and fire control.

(b) The ground surface around the riser pipe shall be graded to divert surface drainage.

(c) The riser pipe shall be encased in an eight (8) inch vitrified clay pipe or an equivalent with the intervening space filled with an insulating material to protect it from freezing.

(d) An insulated cover shall be provided which shall encase both valve outlets but not prevent connection to the mobile home during freezing weather.

(e) A shutoff valve may be placed below the frost depth on the water service line, but this valve shall not be a stop-and-waste cock.

Section 22. Conservation of water shall comply with the standards established in 815 KAR 20:070.

STEVEN A. MILBY, Chairman
DAVID A. DICKERSON, Secretary

APPROVED BY AGENCY: August 12, 2016

FILED WITH LRC: August 15, 2016 at 9 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 22, 2016, at 9:00 a.m., EDT, in the Department of Housing, Buildings and Construction, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five working 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. The 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. Written comments shall be accepted through September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation by the above date to the contact person:

CONTACT PERSON: Jared L. Downs, General Counsel, Department of Housing, Buildings and Construction, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601-5412, phone 502-573-0365, fax 502-573-1057, email jared.downs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jared L. Downs

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the types of piping and pipe sizes required for a potable water supply system and the methods to be used to protect and control the water supply system, and requires the manufacturer's specification number of the material accepted in those installations to be identified and published.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to implement the Division of Plumbing's statutory duty to establish a state plumbing code regulating the construction, installation, and alteration of plumbing and plumbing fixtures and appliances, house sewers and private water supplies, including the methods and piping materials to be used therein within Kentucky.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 318.130 requires the department to promulgate an administrative regulation establishing the Kentucky State Plumbing Code regulating plumbing, which includes the kind, type and quality of plumbing piping.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists Division of Plumbing in establishing uniform standards for the types of piping and pipe sizes required for a potable water supply system.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment performs three separate changes. First, it expands the list of permissible water supply piping materials to include PE-RT (Polyethylene of Raised Temperature) Piping that meets the standards established by the American Society of the International Association for Testing and Materials (ASTM) F2769. Second, it allows for the installation of NFPA 13D fire protection systems in one- and two-family dwellings. Third, it coordinates with the proposed amendment to 815 KAR 20:020 to allow Sharkbite fittings to be installed below ground under certain conditions.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to update the list of approved water supply system piping materials to account for newly approved products and technologies.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment directly relates to the permissible types of water supply system piping materials that may be used in Kentucky buildings.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will increase the options available to the plumbing industry in the design of water supply systems that may incorporate these types of products.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals engaged in plumbing activity within the Commonwealth, as well as all owners and

operators of buildings in which plumbing systems are required or otherwise installed.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to comply with this administrative regulation or amendment: This amendment imposes no new requirements on the affected parties; rather, it merely provides additional options for the selection of desired piping materials to be used within plumbing systems.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No additional mandatory costs will be imposed on the identified entities as a result of these amendments.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Benefits will include greater flexibility and options in complying with current plumbing requirements for the design and construction of water supply systems.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There are no anticipated additional costs to administer this amendment.

(b) On a continuing basis: There are no anticipated additional costs to administer this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Implementation of this amendment is anticipated to result in no additional costs to the agency. Any agency costs resulting associated with this amendment will be met with existing agency funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This amendment will not necessitate an increase in fees or require funding to the department for implementation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees increased by this amendment.

(9) TIERING: Is tiering applied? Tiering is not applied as all relevant plumbing work will be subject to the amended requirements.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Housing, Buildings and Construction, Division of Plumbing.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. This administrative regulation is authorized by KRS 318.130.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This amendment is not anticipated to generate additional revenues for the agency.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This amendment is not anticipated to generate additional revenues for the agency.

(c) How much will it cost to administer this program for the first year? There are no anticipated additional costs to administer this regulatory amendment.

(d) How much will it cost to administer this program for

subsequent years? There are no anticipated additional costs to administer this regulatory amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): Neutral

Expenditures (+/-): Neutral

Other Explanation: Neutral

CABINET FOR HEALTH AND FAMILY SERVICES

Department for Income Support

Child Support Enforcement

(Amendment)

921 KAR 1:380. Child Support Enforcement Program application and intergovernmental process.

RELATES TO: KRS 205.705, 205.710-205.800, 205.992, 213.046(4), 403.211, 405.430(5), 405.520, 405.467, 406.021, 406.025, 407.5101-407.5903[407.5902], 610.170, 45 C.F.R. 301.1, 302.30, 302.31, 302.33-302.36, 302.50, 302.65, 302.80, 303.2, 303.3-303.15, 303.30-303.31, 303.69, 303.70, 42 U.S.C. 651-654, 657, 663, 666

STATUTORY AUTHORITY: KRS 194A.050(1), 205.795, 405.520

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050 (1), 205.795, and 405.520 authorize the secretary to promulgate administrative regulations to operate the Child Support Enforcement Program (CSEP) in accordance with federal law and regulations. 45 C.F.R. 303.2 requires the child support application process to be accessible to the public. This administrative regulation specifies the process by which an individual may apply for child support services, the scope of services available, and the process for an intergovernmental case.

Section 1. Child Support Enforcement Case Types. (1) Kentucky Transitional Assistance Program (K-TAP) or Kinship Care.

(a)1. An applicant for, or recipient of, K-TAP or Kinship Care shall make an assignment of rights to the state for support that the applicant or recipient may have from any other person in accordance with KRS 205.720(1) and 921 KAR 2:006.

2. The assignment shall:

a. Include members of the case for whom support rights apply; and

b. Be completed when applying for K-TAP or Kinship Care benefits using the application form incorporated by reference in 921 KAR 2:040.

(b) An applicant or recipient shall cooperate in all phases of child support activity that shall, if known, include:

1. The name of the noncustodial parent or obligor;

2. The Social Security number of the noncustodial parent or obligor;

3. Information to assist in the:

a. Location of the noncustodial parent or obligor;

b. Enforcement of a child support order; or

c. Review or modification of a child support order;

4. Establishment of:

a. Paternity, if paternity has not been established; and

b. An assigned support obligation;

5. Enforcement of:

a. An assigned support obligation; and

b. A spousal support order if the cabinet is collecting for a child who resides with the spouse or former spouse; and

6. Forwarding any child support payment received to the cabinet's centralized collection unit.

(2) Foster Care.

(a) The CSEP shall collect and disburse child support on behalf of a child for whom:

1. The state is making a foster care maintenance payment as required by 42 U.S.C. 657 and an assignment of rights has been made; or

2. The cabinet has custody, and there is an order for the child's parent or parents to pay child support to the cabinet pursuant to KRS 610.170.

(b) The child's benefit worker with responsibility for the foster care child shall:

1. Cooperate with the CSEP;
2. Review and approve a foster care child support referral;
3. Complete a change of status if a change occurs that relates to the child support process; and
4. Forward to the CSEP a copy of the child support court documents.

(c) If a child with special needs is adopted in accordance with 922 KAR 1:100 and reenters the custody of the cabinet, the cabinet shall:

1. Determine that good cause exists in accordance with Section 2(3) of this administrative regulation; or
2. Establish a child support obligation if:
 - a. A child with special needs adopted in accordance with 922 KAR 1:100 has reentered the custody of the cabinet due to the child's maltreatment or abandonment; and
 - b. The commissioner or designee recommends the establishment of child support.

(3) Medicaid only.

(a) If a Medicaid-only referral is made, the CSEP shall obtain the following information, if available:

1. Medicaid case number;
2. Name of the noncustodial parent or obligor;
3. Social Security number of the noncustodial parent or obligor;
4. Name and Social Security number of the child;
5. Home address of the noncustodial parent or obligor;
6. Name and address of the noncustodial parent or obligor's place of employment; and
7. Whether the noncustodial parent has a health insurance policy and, if so, the policy name and number and name(s) of the person(s) covered.

(b) An application for Medicaid shall include an assignment of rights for medical support, pursuant to 907 KAR 20:005[1:044], ~~Section 9, which shall be completed by using the application form incorporated by reference in 921 KAR 3:030.~~

(c) Except for a custodial parent who is pregnant or in her postpartum period, pursuant to 907 KAR 20:005[1:044], a custodial parent shall cooperate in all phases of medical support activity.

(d) A Medicaid-only recipient desiring full child support services, in addition to the medical support services, shall complete and submit to the CSEP the CS-140, Assignment of Rights and Authorization to Collect Support.

(4) Nonpublic Assistance.

(a) In accordance with KRS 205.721, the CSEP shall make child support services available to any individual who:

1. Assigns rights for medical support only;
2. Applies for services pursuant to paragraph (c) of this subsection; or
3. Has been receiving child support services as a public assistance recipient and is no longer eligible for public assistance.

(b) The CSEP shall notify the family no longer eligible for public assistance, within five (5) working days, that child support services shall continue unless the CSEP is notified to the contrary by the family.

(c) Application Process for a Nonpublic Assistance Individual.

1. Upon the request of a nonpublic assistance applicant, the CSEP shall give an application packet to the applicant.

2. If the request is:

- a. Made in person, the packet shall be provided the same day; or

b. Not made in person, the packet shall be sent to the applicant within five (5) working days of the request.

3. The application packet shall include the:

a. CS-33, Application for Child Support Services[Non-K-TAP Application];

b. CS-202, Authorization for Electronic Deposit of Child Support Payments[CS-168, Application for Direct Deposit]; and

c. CS-11, Authorization and Acknowledgement of No Legal Representation.

4. In order to receive child support services, the applicant shall complete and return the:

a. CS-33, Application for Child Support Services[Non-K-TAP Application]; and

b. CS-11, Authorization and Acknowledgement of No Legal Representation.

(d) Except for a location-only case, services provided to a nonpublic assistance client through the CSEP shall be those services listed in Section 2 of this administrative regulation.

(e) If a case involves a putative father, services provided shall be those identified in Section 2(1) of this administrative regulation.

(f) The CSEP shall obtain the following information from a nonpublic assistance applicant, if available:

1. Name, date of birth, and Social Security number of the child;
2. Name of the custodial and noncustodial parent or obligor;
3. Social Security number of the custodial and noncustodial parent or obligor;
4. Date of birth of the custodial and noncustodial parent or obligor;
5. Home address or last known address of the custodial and noncustodial parent or obligor; and
6. Name and address of the custodial and noncustodial parent's or obligor's employer or last known employer.

Section 2. General Services and Good Cause for All Case Types. (1) The CSEP shall provide child support services for a case type described in this administrative regulation in accordance with 42 U.S.C. 654. The services shall include:

(a) Location of the noncustodial parent or obligor;

(b) Location of the custodial parent for establishment of paternity;

(c) Establishment of paternity based upon the receipt of either:

1. A court order; or
2. An affidavit from the Office of Vital Statistics that a signed, notarized voluntary acknowledgement of paternity has been registered;

(d) Establishment of a child support or medical support obligation by:

1. Petitioning the court or administrative authority to establish child support pursuant to the Kentucky Child Support Guidelines; and

2. Petitioning the court or administrative authority to include private health insurance pursuant to 45 C.F.R. 303.31(b)(1) in new or modified court or administrative orders for support; or

3. Petitioning the court or administrative authority to include cash medical support in new or modified orders until such time as health insurance that is accessible and reasonable in cost, as defined in KRS 403.211(8)(a) and (b), becomes available;

(e) Enforcement of a:

1. Child support or medical support obligation; and
2. Spousal support obligation if the:
 - a. Custodial parent[Client] is the spouse or ex-spouse;
 - b. Child lives with the spouse or ex-spouse; and
 - c. Cabinet is collecting support on behalf of the child;

(f) Review and modification of an assigned support obligation in accordance with 921 KAR 1:400;

(g) Collection and disbursement of current and past-due support payments resulting from an assigned support obligation, less an annual twenty-five (25) dollar fee assessed against a custodial parent who has never received assistance, as defined in 42 U.S.C. 654(6)(b)(ii), during each Federal fiscal year in which \$500 has been disbursed for the case; and

(h) Submit application to health plan administrator to enroll the child if the parent ordered to provide health insurance coverage is enrolled through the insurer and has failed to enroll the child.

(2) The CSEP shall open a case and determine needed action and services within twenty (20) calendar days of receipt of a:

- (a) Referral from the public assistance agency;
- (b) Foster care referral; or

(c) Nonpublic assistance application in accordance with Section 1(4)(c) of this administrative regulation.

(3) Good cause.

(a)1. If an applicant or client states that good cause for

noncooperation exists, the applicant or client shall have the opportunity to establish a claim pursuant to 921 KAR 2:006.

2. Evidence for determination of good cause shall be pursuant to 921 KAR 2:006.

3. For a foster care child, good cause for nonenforcement of child support shall be determined to exist if evidence and criteria are met pursuant to 921 KAR 2:006 or 922 KAR 1:530.

(b) If the CSEP has reason to believe an allegation of child maltreatment or domestic violence pursuant to KRS 205.730(1), the CSEP shall not attempt location, establishment, modification, or enforcement of an assigned support obligation.

Section 3. Parent Locator Service and Associated Fee for Service. (1) Unless the cabinet has reason to believe an allegation of child maltreatment or domestic violence pursuant to KRS 205.730(1) or 921 KAR 2:006, Section 25, location shall be attempted for a:

(a) Public assistance case referred to the CSEP; or

(b) Nonpublic assistance case for which child support services are being provided.

(2) The CSEP shall attempt to locate a noncustodial parent or obligor and the noncustodial parent's or obligor's employer, sources of income, assets, property, and debt, if necessary, for a public assistance case or nonpublic assistance case assigned to the CSEP pursuant to KRS 205.712 and 205.730(5) 45 C.F.R. 303.69 or 303.70.

(3) In accordance with KRS 205.730(4), location services shall be provided in a parental kidnapping case.

(4) The CSEP shall provide location services to a putative father in accordance with KRS 205.730(2) and (4).

Section 4. Intergovernmental Process for Child Support Enforcement Services. In accordance with KRS 205.712, 407.5101-407.5903[407-5902], and 45 C.F.R. 303.7, the CSEP shall:

(1) Extend to an intergovernmental IV-D child support case the same services available to an intrastate case; and

(2) Provide a responding state[agency] with sufficient and accurate information and documentation on the appropriate intergovernmental transmittal forms, the:

(a) CS-98, General Testimony;

(b) CS-99, Affidavit in Support of Establishing Paternity; and

(c) CS-100, Uniform Support Petition.

Section 5. Public Awareness. The effort, pursuant to KRS 205.712(2)(g), to publicize the availability of the CSEP's services and encourage their use may include:

(1) Public service announcements;

(2) Posters;

(3) Press releases;

(4) Videos;

(5) Annual reports;

(6) Newsletters;

(7) Mail inserts;

(8) Pamphlets;

(9) Letters; and

(10) Internet.

Section 6. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "CS-11, Authorization and Acknowledgement of No Legal Representation", [edition] 10/12;

(b) "CS-33, Application for Child Support Services[Non-KTAP Application]", 8/16[edition10/42];

(c) "CS-98, General Testimony", [edition] 10/12;

(d) "CS-99, Affidavit in Support of Establishing Paternity", [edition] 1/09;

(e) "CS-100, Uniform Support Petition", [edition] 1/09;

(f) "CS-140, Assignment of Rights and Authorization to Collect Support", [edition] 10/12; and

(g) "CS-202, Authorization for Electronic Deposit of Child Support Payments[CS-168, Application for Direct Deposit]", 6/14[edition1/09].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Income Support, Child Support Enforcement, 730 Schenkel Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

STEVEN P. VENO, Commissioner

VICKIE YATES BROWN GLISSON, Secretary

APPROVED BY AGENCY: June 29, 2016

FILED WITH LRC: August 2, 2016 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on September 22, 2016 at 9:00 a.m. in the Health Services Auditorium, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by September 15, 2016, five (5) workdays 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. 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. You may submit written comments regarding this proposed administrative regulation until September 30, 2016. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Tricia Orme, Office of Legal Services, 275 East Main Street 5 W-B, Frankfort, Kentucky 40602, phone 502-564-7905, fax 502-564-7573, email Tricia.Orme@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Persons: Mary W. Sparrow, (502) 564-2285, ext. 4832, mary.sparrow@ky.gov, or Tricia Orme

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation specifies the process by which an individual may apply for child support services, the scope of services available, and the process for an intergovernmental case.

(b) The necessity of this administrative regulation: This administrative regulation is necessary as it provides the procedures for applying for child support enforcement services, the scope of child support enforcement services available as well as the procedures for establishing an intergovernmental case in accordance with 42 U.S.C. 651-654, 657, 663, 666 and 45 C.F.R. 302 and 303.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The Cabinet has responsibility under KRS 194A.050(1), 205.721, 205.795, 405.520, and by virtue of applying for federal funds under 42 U.S.C. 651-654, 657, 663 and 666, to specify the application process for child support services, the scope of child support enforcement services available and the procedures for establishing an intergovernmental case.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by establishing procedures utilized by the Cabinet for applying for child support enforcement services, the scope of child support enforcement services available and the procedures for establishing an intergovernmental case for child support.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment updates a definition, a form utilized for electronic deposits of child support payments, citations of other programs that have changed and terms reflected in a clean-up of KRS 407.5101 through 407.5903.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary in order to incorporate corrections to the regulation and to update an electronic deposit form used in accordance with KRS Chapters 405 and 407.

(c) How the amendment conforms to the content of the authorizing statutes: The authorizing statutes provide guidance for the Child Support Enforcement (CSE) program.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in the administration of the statutes through corrections to the language in the regulation and updating the electronic deposit form.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The updates in this regulation will affect participants in the Child Support Enforcement Program.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Participants in the Child Support Program will become familiar with the change in terminology used when a case is an Intergovernmental case. The new form will streamline the electronic deposit process, for participants as well as the CSE program.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There are no new costs for the entities involved to comply with this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Participants in the Child Support Enforcement Program will benefit from the updated term, definition, electronic deposit form and updated citations for other programs.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No additional funds will be necessary to implement the amendment to this administrative regulation.

(b) On a continuing basis: No additional funds will be necessary to implement the amendment to this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Federal funds from The Child Support Enforcement State Program under Title IV-D of the Social Security Act support the implementation and enforcement of this administrative regulation. State General Funds are also utilized.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change if it is an amendment: Neither an increase in fees nor funding is necessary to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation neither establishes nor increases any fees.

(9) TIERING: Is tiering applied? Tiering is not applied, as this administrative regulation is applied in a like manner statewide.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate additional funding.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate additional funding.

(c) How much will it cost to administer this program for the first year? No additional funds will be necessary to implement this administrative regulation.

(d) How much will it cost to administer this program for subsequent years? No additional funds will be necessary to implement this administrative regulation in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Participants in the Child Support Enforcement Program will be affected by this amendment.

2. Identify each state or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 205.705, 205.710-205.800, 205.992, 213.046(4), 403.211, 405.430(5), 405.520, 405.467, 406.021, 406.025, 407.5101-407.5902, 610.170, 45 C.F.R. 301.1, 302.30, 302.31, 302.33-302.36, 302.50, 302.65, 302.80, 303.2, 303.3-303.15, 303.30-303.31, 303.69, 303.70, 42 U.S.C. 651-654, 657, 663, 666.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

NEW ADMINISTRATIVE REGULATIONS

FINANCE AND ADMINISTRATION CABINET
Office of the Secretary
(New Administrative Regulation)

200 KAR 5:355. Public-private partnership delivery method.

RELATES TO: KRS 45A.030, 45A.077, 45A.085, 45A.090, 45A.180, 45A.183

STATUTORY AUTHORITY: KRS 45A.035, 45A.077, 45A.085, 45A.180, 45A.183

NECESSITY, FUNCTION, AND CONFORMITY: KRS 45A.035 authorizes the Secretary of the Finance and Administration Cabinet to promulgate administrative regulations for the implementation of the Kentucky Model Procurement Code (KRS Chapter 45A). KRS 45A.085 authorizes the secretary to promulgate administrative regulations concerning contracts awarded by competitive negotiation. KRS 45A.180 requires the secretary to promulgate administrative regulations for the implementation of as many recognized alternative methods of management of construction contracting as are determined to be feasible. This administrative regulation establishes guidelines pursuant to KRS 45A.030 relating to public-private partnerships for entities requesting to utilize this procurement delivery method.

Section 1. Definitions. (1) "Cabinet" means the Finance and Administration Cabinet.

(2) "Capital project" is defined by KRS 45.750(1)(f), except that for purposes of this administrative regulation, capital project shall include all projects regardless of the size or scope of same.

(3) "Contract" is defined by KRS 45A.030(8).

(4) "Governmental body" is defined by KRS 45A.030(17).

(5) "Kentucky Local Government Public-Private Partnership Board" is established and defined by KRS 65.028(11).

(6) "Local government" is defined by KRS 65.025(1)(b).

(7) "Private partner" is defined by KRS 45A.030(21) and KRS 65.025(1)(g).

(8) "Public-private partnership" is defined by KRS 45A.030(23).

(9) "Purchasing officer" is defined by KRS 45A.030(26).

(10) "Using agency" is defined by KRS 45A.030(30).

Section 2. Use of a Public-Private Partnership. (1) A public-private partnership may be utilized for construction or financing of a capital project or the procurement of services if the head of a governmental body or a local government issues a written determination that due to the nature or circumstances of a capital project or services, a public-private partnership is the most advantageous method of awarding and administering a capital project or other contract.

(2) In determining whether the use of a public-private partnership is the most advantageous method of awarding and administering a capital project or other contract, the head of a governmental body or local government, or a person authorized in writing as his or her designee, shall undertake an analysis of the proposed capital project or other contract to determine whether a public-private partnership is the procurement method most advantageous to the governmental body or local government that incorporates the following components:

(a) Qualitative considerations. The using agency shall evaluate the potential public-private partnership utilizing the following criteria:

1. The ability of the using agency or local government to allocate and control risks, responsibilities, and rewards between itself and a private partner in a way that ultimately benefits the using agency or local government and the citizens it serves;

2. The timeliness of completion and efficiency of delivery of a capital project or other contract via a public-private partnership as compared with other project delivery methods;

3. A determination that the tangible and intangible benefits to be gained by using a public-private partnership equals or exceeds the cost of developing and maintaining a public-private partnership;

4. The ability and expertise of the using agency or local government to measure and monitor performance and operational controls;

5. The ability of the using agency or local government to capture and utilize incentives, efficiencies, and expertise derived from the involvement of a private partner;

6. Whether the capital project or other contract would be developed or entered into in the absence of private sector involvement;

7. Whether the public interest is best served through the use of a public-private partnership; and

8. The urgency of need for the capital project or services by the governmental body or local government.

(b) Quantitative Analysis. The using agency or local government shall conduct a quantitative analysis of using a public-private partnership for a given capital project or other contract. The analysis shall include:

1. Net present value of the cost of the capital project or other contract over its entire useful life, including, if applicable:

a. Financing, design, and construction costs;

b. Operation and management costs;

c. Any payments the using agency or local government may be required to make to the private partner; and

d. Maintenance costs;

2. The allocation of risks and contingencies between the using agency or local government and the private partner;

3. Operating cash flows reasonably expected to provide a return on investment to a private partner;

4. The net present value of payment the using agency or local government would receive from the private partner or third parties over the life of the capital project or other contract; and

5. The anticipated value of the capital project or other contract deliverables at the end of the term of the public-private partnership, if any.

(c) Privatization Analysis. Before award of a contract for a public-private partnership, the using agency and the cabinet shall satisfy all of the requirements of KRS 45A.550-45A.554 and the administrative regulations promulgated thereunder related to privatization of existing governmental services, if applicable.

(d) Local Government Public-Private Partnerships Subject to Review by the Kentucky Local Government Public-Private Partnership Board. If the total contractual value of a proposed public-private partnership between a local government and a private partner equals or exceeds thirty (30) percent of the general fund revenues received by the local government in the immediately preceding fiscal year, the local government shall submit the proposed contract to the cabinet and the Department for Local Government for evaluation and presentation to the Kentucky Local Government Public-Private Partnership Board in accordance with KRS 65.028(12) or 65.028(16).

Section 3. Submission of Unsolicited Proposals. (1) Persons, businesses, or other entities may submit unsolicited proposals for a capital project or other contract utilizing a public-private partnership to a governmental body with a copy to the Secretary of the Finance and Administration Cabinet.

(2) Persons, businesses, or other entities wishing to submit an unsolicited proposal for a public-private partnership with a local government shall submit the proposals to the local government with a copy to the Department for Local Government. If the total contractual value of the proposed public-private partnership equals or exceeds thirty (30) percent of the general fund revenues received by the local government in the immediately preceding fiscal year, the Department for Local Government with the assistance of the cabinet shall evaluate each proposal and present same to the Kentucky Local Government Public-Private Partnership Board in accordance with KRS 65.028(12) or 65.028(16).

(3) Proposals submitted pursuant to subsection (1) of this section shall be considered in the manner prescribed in KRS 45A.077(12) and evaluated pursuant to the criteria set forth in

Section 2 of this administrative regulation.

(4) Proposals submitted pursuant to subsection (2) of this section shall be considered in the manner prescribed in KRS 65.028(17) and evaluated pursuant to the criteria set forth in Section 2 of this administrative regulation.

(5) All unsolicited proposals shall be submitted in a sealed envelope marked "unsolicited proposal." If an unsolicited proposal contains trade secrets, financial records, or other information that would be exempt from public disclosure pursuant to KRS 61.878 or other applicable law, persons, businesses, or other entities submitting unsolicited proposals shall:

(a) Include a cover letter with the proposal, notifying the governmental body or local government that exempt information is contained in the proposal;

(b) Mark all portions of the proposal that contain exempt information as "confidential" or "proprietary"; and

(c) Submit a second copy of the proposal from which the trade secrets, financial records, or other information that would be exempt from public disclosure pursuant to KRS 61.878 or other applicable law have been redacted.

(6) Except for each portion of an unsolicited proposal that contains trade secrets, financial records, or other information that would be exempt from public disclosure pursuant to KRS 61.878 or other applicable law, all unsolicited proposals shall be available for public inspection after the latter of:

(a) The date of the written notification sent by a governmental body or local government that it has rejected the unsolicited proposal;

(b) Sixty (60) days after the end of the notice period provided under KRS 45A.077(12)(b)2; or

(c) After a contract has been awarded if the governmental body or local government elects to undertake an open, competitive procurement process pursuant to KRS 45A.077(12)(c).

Section 4. Other considerations. (1) The using agency and the cabinet or local government shall retain discretion in determining the relative weight to ascribe to each of the criteria set forth in Section 2 of this administrative regulation, giving due consideration to the size and nature of the capital project or other contract as well as the previous experience of the using agency or local government, if any, in utilizing public-private partnerships under similar circumstances.

(2) All requests for proposals involving the use of a public-private partnership shall comply with KRS 45A.077(4) or 65.028(7) as applicable.

(3) All performance and payment bonding requirements set forth in KRS 45A.190, 45A.435, and any other statute or local ordinance, shall remain in effect for capital projects and other contracts using the public-private partnership project delivery method.

Section 5. Professional Assistance. The using agency and the cabinet are authorized to retain any professional services deemed necessary by the using agency or the cabinet to enable an adequate review and evaluation of a public-private partnership proposal, including those involving local government that shall be approved by the Kentucky Local Government Public-Private Partnership Board in accordance with KRS 65.028(12) or 65.028(16), if the necessary expertise to perform the review or evaluation within the using agency or the cabinet is inadequate or unavailable. The cost of any professional service, including the cost of any study performed, shall be borne by the private partner if possible. If it is deemed necessary for the governmental body to bear a portion of the cost of the professional services needed to assist with the evaluation set forth in this administrative regulation, then the cost shall be paid by the using agency or local government.

WILLIAM M. LANDRUM III, Secretary

APPROVED BY AGENCY: August 12, 2016

FILED WITH LRC: August 15, 2016 at 10 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on

September 22, 2016 from 10 a.m. to 12 p.m., in Room 382, Capitol Annex Building, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing at least five (5) workdays 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. Written comments shall be accepted until the end of the day on September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Judy Piazza, Executive Director, Office of Legislative & Inter-governmental Affairs, Finance and Administration Cabinet, 392 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 782-5701, fax (502) 564-9557, email Judith.Piazza@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Judy Piazza

(1) Provide a brief summary of:

(a) What this administrative regulation does: It provides guidance for the procurement of the public-private partnership delivery method for capital projects for state and local entities.

(b) The necessity of this administrative regulation: KRS 45A.077(3) directs the Finance and Administration cabinet to promulgate an administrative regulation setting forth the criteria to be used in determining when a public private partnership is to be used for a particular capital project on or before December, 31, 2016.

(c) How this administrative regulation conforms to the content of the authorizing statutes: It provides the parameters required by statute for a state or local government entity to submit a proposal to be approved as a public private partnership for capital projects.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: It provides the parameters required by statute for a state or local government entity to submit a proposal to be approved as a public private partnership for capital projects.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: N/A

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the content of the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: None.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: N/A

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): N/A

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): N/A

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No additional costs.

(b) On a continuing basis: None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: N/A.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No.

(9) TIERING: Is tiering applied? Tiering was not applied as all state and local government entities will be treated the same during evaluation and approval of a capital project utilizing the public-private partnership method of delivery.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? All units, parts or divisions of state or local government who chose to utilize the public-private partnership delivery method for the procurement of capital projects will be impacted by this administrative regulation.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 65.028 and 45A.077.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. None.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? No additional funds will be required as a result of this administrative regulation.

(d) How much will it cost to administer this program for subsequent year? None.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

TRANSPORTATION CABINET Department of Highways (Repealer)

600 KAR 5:011. Repeal of 600 KAR 5:010.

RELATES TO: KRS 158.115, 1998 Ky. Acts chapter 615, Part 1, subpart 87,d

STATUTORY AUTHORITY: 1998 Ky. Acts chapter 615, Part 1, subpart 87,d

NECESSITY, FUNCTION, AND CONFORMITY: KRS 174.080 authorizes the secretary to promulgate administrative regulations related to the operations of the Transportation Cabinet. This administrative regulation repeals 600 KAR 5:010 because it is obsolete and no longer necessary to the operations of the Department of Highways.

Section 1. 600 KAR 5:010, Transportation of nonpublic school students, is hereby repealed.

GREG THOMAS, Secretary

PATTY DUNAWAY, State Highway Engineer

D. ANN DANIELO, Office of Legal Services

APPROVED BY AGENCY: August 10, 2016

FILED WITH LRC: August 10, 2016 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 28, 2016 at 10:00 a.m. local time at the Transportation Cabinet, Transportation Cabinet Building, Hearing Room C121, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing five (5) working days prior to the hearing, of their intent to attend. If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirement five working days prior to the hearing. This request does not have to be in writing. 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. Written comments shall be accepted until the end of the calendar day (11:59 p.m.) on September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: D. Ann Dangelo, Asst. General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, phone (502) 564-7650, fax (502) 564-5238, email Ann.Dangelo@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Ann DAngelo

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals one (1) administrative regulation: 600 KAR 5:010.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to repeal and remove an obsolete administrative regulation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 174.080 authorizes the secretary of the Transportation Cabinet to promulgate administrative regulations related to the operations of the cabinet.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This repealer administrative regulation will remove an administrative regulation that is obsolete or no longer necessary to the operations of the Transportation Cabinet.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: N/A

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Transportation Cabinet will be positively affected by removing an obsolete administrative regulation from its books.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: N/A

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in

question (3): N/A

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): N/A

(5) Provide an estimate of how much it will cost the administrative body to implement the administrative regulation:

(a) Initially: There are no costs.

(b) On a continuing basis: There are no costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: N/A

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There are no fees involved.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This is a repealer administrative regulation and there are no associated costs.

(9) TIERING: Is tiering applied? No, this is a repealer of one (1) obsolete administrative regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Transportation Cabinet is positively impacted because an obsolete administrative regulation will no longer be on the books. All parties benefit by the removal of obsolete administrative regulations.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 13A.310 authorizes the cabinet to repeal an administrative regulation.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. This administrative regulation will not affect expenditures or revenues.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate revenue.

(c) How much will it cost to administer this program for the first year? There are no costs involved in this repealer regulation.

(d) How much will it cost to administer this program for subsequent years? There are no costs involved in this repealer regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

TRANSPORTATION CABINET Department of Highways (Repealer)

600 KAR 6:061. Repeal of 600 KAR 6:020, 600 KAR 6:030, and 600 KAR 6:060.

RELATES TO: KRS Chapter 11A, 45A.800-45A.835, 23 C.F.R. 172, 49 C.F.R. 18, 23 U.S.C. 112

STATUTORY AUTHORITY: KRS Chapter 11A, 45A.800-45A.835, 23 C.F.R. 172, 49 C.F.R. 18, 23 U.S.C. 112

NECESSITY, FUNCTION, AND CONFORMITY: KRS 174.080 authorizes the secretary to promulgate administrative regulations related to the operations of the Transportation Cabinet. This

administrative regulation repeals 600 KAR 6:020, 600 KAR 6:030, and 600 KAR 6:060. Those administrative regulations are no longer necessary to the operations of the Department of Highways.

Section 1. The following administrative regulations are hereby repealed:

(1) 600 KAR 6:020, Transportation Cabinet employee responsibilities in the implementation of KRS 45A.800 to 45A.835;

(2) 600 KAR 6:030, Federal requirements for contracts for engineering or engineering-related services; and

(3) 600 KAR 6:060, Professional engineering and engineering-related service selection committee.

GREG THOMAS, Secretary

PATTY DUNAWAY, State Highway Engineer

D. ANN DANGELO, Office of Legal Services

APPROVED BY AGENCY: August 15, 2016

FILED WITH LRC: August 15, 2016 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 28, 2016 at 10:00 a.m. local time at the Transportation Cabinet, Transportation Cabinet Building, Hearing Room C121, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing five (5) working days prior to the hearing, of their intent to attend. If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirement five working days prior to the hearing. This request does not have to be in writing. 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. Written comments shall be accepted until the end of the calendar day (11:59 p.m.) on September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: D. Ann Dangelo, Asst. General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, phone (502) 564-7650, fax (502) 564-5238, email Ann.Dangelo@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Ann DAngelo

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals three (3) administrative regulations: 600 KAR 6:020, 600 KAR 6:030, and 600 KAR 6:060.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to repeal and remove an obsolete administrative regulation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 174.080 authorizes the secretary of the Transportation Cabinet to promulgate administrative regulations related to the operations of the cabinet.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This repealer administrative regulation will remove an administrative regulation that is obsolete or no longer necessary to the operations of the Transportation Cabinet.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: N/A

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses,

organizations, or state and local governments affected by this administrative regulation: The Transportation Cabinet will be positively affected by removing an obsolete administrative regulation from its books.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: N/A

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): N/A

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): N/A

(5) Provide an estimate of how much it will cost the administrative body to implement the administrative regulation:

(a) Initially: There are no costs.

(b) On a continuing basis: There are no costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: N/A

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There are no fees involved.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This is a repealer administrative regulation and there are no associated costs.

(9) TIERING: Is tiering applied? No, this is a repealer of three (3) obsolete administrative regulations.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Transportation Cabinet is positively impacted because an obsolete administrative regulation will no longer be on the books. All parties benefit by the removal of obsolete administrative regulations.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 13A.310 authorizes the cabinet to repeal an administrative regulation.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. This administrative regulation will not affect expenditures or revenues.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate revenue.

(c) How much will it cost to administer this program for the first year? There are no costs involved in this repealer regulation.

(d) How much will it cost to administer this program for subsequent years? There are no costs involved in this repealer regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

TRANSPORTATION CABINET Department of Vehicle Regulation (Repealer)

601 KAR 1:231. Repeal of 601 KAR 1:025, 601 KAR 1:029, 601 KAR 1:060, 601 KAR 1:075, 601 KAR 1:095, 601 KAR 1:101, 601 KAR 1:110, 601 KAR 1:145, 601 KAR 1:190, and 601 KAR 1:230.

RELATES TO: KRS 138.455–138.470, 154.45-096, 174.400-174.425, 186.281, Chapter 281, 281.626 281.655, 281.656, 281.900, 281.905, 29 C.F.R 1910, 49 C.F.R. 37, 40.1- 40.413, 100-185, 382.101-382.605, 383.1–155, 390.1–46, 367, 387, 399.201–211

STATUTORY AUTHORITY: KRS 174.410, 186.281, 281.600, 281.610, 281.655, 281.900, 281.907, 49 C.F.R. 37, 130, 171-73, 175, 177, 178, 180

NECESSITY, FUNCTION, AND CONFORMITY: KRS 174.080 authorizes the secretary to promulgate administrative regulations related to the operations of the Transportation Cabinet. This administrative regulation repeals 601 KAR 1:025, 601 KAR 1:029, 601 KAR 1:060, 601 KAR 1:075, 601 KAR 1:095, 601 KAR 1:101, 601 KAR 1:110, 601 KAR 1:145, 601 KAR 1:190, and 601 KAR 1:230. Those administrative regulations are outdated or obsolete and are no longer necessary to the operations of the Department of Vehicle Regulation.

Section 1. The following administrative regulations are hereby repealed:

(1) 601 KAR 1:025, Transporting hazardous materials by air or highway;

(2) 601 KAR 1:029, Definitions relating to 601 KAR 1:030 through 601 KAR 1:145;

(3) 601 KAR 1:060, Tariffs;

(4) 601 KAR 1:075, Claims;

(5) 601 KAR 1:095, Complaints;

(6) 601 KAR 1:101, Proof of liability and cargo insurance;

(7) 601 KAR 1:110, Leasing services;

(8) 601 KAR 1:145, Reporting and paying of usage tax pursuant to a U-drive-it permit;

(9) 601 KAR 1:190, Paratransit as a complement to fixed route bus service; and

(10) 601 KAR 1:230, Education and safety training for motor carrier operations.

GREG THOMAS, Secretary

JOHN-MARK HACK, Commissioner

D. ANN DANGELO, Office of Legal Services

APPROVED BY AGENCY: August 10, 2016

FILED WITH LRC: August 10, 2016 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 28, 2016 at 10:00 a.m. local time at the Transportation Cabinet, Transportation Cabinet Building, Hearing Room C121, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing five (5) working days prior to the hearing, of their intent to attend. If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirement five working days prior to the hearing. This request does not have to be in writing. 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. Written comments shall be accepted until the end of the calendar day (11:59 p.m.) on September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: D. Ann Dangelo, Asst. General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, phone (502) 564-7650, fax (502) 564-

5238, email Ann.Dangelo@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Ann DAngelo

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals ten (10) administrative regulations: 601 KAR 1:025, 601 KAR 1:029, 601 KAR 1:060, 601 KAR 1:075, 601 KAR 1:095, 601 KAR 1:101, 601 KAR 1:110, 601 KAR 1:145, 601 KAR 1:190, and 601 KAR 1:230.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to repeal and remove ten (10) obsolete administrative regulations.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 174.080 authorizes the secretary of the Transportation Cabinet to promulgate administrative regulations related to the operations of the cabinet.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This repealer administrative regulation will remove administrative regulations that are obsolete or no longer necessary to the operations of the Transportation Cabinet.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: N/A

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Transportation Cabinet will be positively affected by removing obsolete administrative regulations from its books.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: N/A

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): N/A

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): N/A

(5) Provide an estimate of how much it will cost the administrative body to implement the administrative regulation:

(a) Initially: There are no costs.

(b) On a continuing basis: There are no costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: N/A

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There are no fees involved.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: These are repealer administrative regulations and there are no associated costs.

(9) TIERING: Is tiering applied? No, this is a repealer of ten (10) obsolete administrative regulations.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Transportation

Cabinet is positively impacted because these obsolete administrative regulations will no longer be on the books.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 13A.310 authorizes the cabinet to repeal an administrative regulation.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. This administrative regulation will not affect expenditures or revenues.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate revenue.

(c) How much will it cost to administer this program for the first year? There are no costs involved in this repealer regulation.

(d) How much will it cost to administer this program for subsequent years? There are no costs involved in this repealer regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

TRANSPORTATION CABINET Department of Vehicle Regulation (Repealer)

601 KAR 2:011. Repeal of 601 KAR 2:010.

RELATES TO: KRS Chapters 186, 281, 49 C.F.R. 1023

STATUTORY AUTHORITY: KRS 186.050, 281.600, 365.015, 40 C.F.R. 1023

NECESSITY, FUNCTION, AND CONFORMITY: KRS 174.080 authorizes the secretary to promulgate administrative regulations related to the operations of the Transportation Cabinet. This administrative regulation repeals 601 KAR 2:010 because it is obsolete and no longer necessary to the operations of the Department of Vehicle Regulation.

Section 1. 601 KAR 2:010, General procedures, is hereby repealed.

GREG THOMAS, Secretary

JOHN-MARK HACK, Commissioner

D. ANN DANGELO, Office of Legal Services

APPROVED BY AGENCY: August 10, 2016

FILED WITH LRC: August 10, 2016 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 28, 2016 at 10:00 a.m. local time at the Transportation Cabinet, Transportation Cabinet Building, Hearing Room C121, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing five (5) working days prior to the hearing, of their intent to attend. If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirement five working days prior to the hearing. This request does not have to be in writing. 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. Written comments shall be accepted until the end of the calendar day (11:59 p.m.) on

September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: D. Ann Dangelo, Asst. General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, phone (502) 564-7650, fax (502) 564-5238, email Ann.Dangelo@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Ann DAngelo

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals one (1) administrative regulation: 601 KAR 2:010.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to repeal and remove an obsolete administrative regulation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 174.080 authorizes the secretary of the Transportation Cabinet to promulgate administrative regulations related to the operations of the cabinet.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This repealer administrative regulation will remove an administrative regulation that is obsolete or no longer necessary to the operations of the Transportation Cabinet.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: N/A

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Transportation Cabinet will be positively affected by removing an obsolete administrative regulation from its books.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: N/A

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): N/A

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): N/A

(5) Provide an estimate of how much it will cost the administrative body to implement the administrative regulation:

(a) Initially: There are no costs.

(b) On a continuing basis: There are no costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: N/A

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There are no fees involved.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This is a repealer administrative regulation and there are no associated costs.

(9) TIERING: Is tiering applied? No, this is a repealer of one (1) obsolete administrative regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Transportation Cabinet is positively impacted because an obsolete administrative regulation will no longer be on the books. All parties benefit by the removal of obsolete administrative regulations.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 13A.310 authorizes the cabinet to repeal an administrative regulation.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. This administrative regulation will not affect expenditures or revenues.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate revenue.

(c) How much will it cost to administer this program for the first year? There are no costs involved in this repealer regulation.

(d) How much will it cost to administer this program for subsequent years? There are no costs involved in this repealer regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

TRANSPORTATION CABINET Department of Vehicle Regulation (Repealer)

601 KAR 9:111. Repeal of 601 KAR 9:010, 601 KAR 9:020, 601 KAR 9:060, 601 KAR 9:065, 601 KAR 9:095, and 601 KAR 9:105.

RELATES TO: KRS chapter 186, 186.053, 186.276, 186.281, 186.650, 186A.145, 186A.160, 281.720

STATUTORY AUTHORITY: KRS 186.020, 186.053, 186.240, 186A.145, 186A.160, 281.600

NECESSITY, FUNCTION, AND CONFORMITY: KRS 174.080 authorizes the secretary to promulgate administrative regulations related to the operations of the Transportation Cabinet. This administrative regulation repeals 601 KAR 9:010, 601 KAR 9:020, 601 KAR 9:060, 601 KAR 9:065, 601 KAR 9:095, and 601 KAR 9:105. Those administrative regulations are obsolete and no longer necessary to the operations of the Transportation Cabinet.

Section 1. The following administrative regulations are hereby repealed:

(1) 601 KAR 9:010, Motor carrier vehicle registration if paying seat taxes;

(2) 601 KAR 9:020, Demonstrator tag limitation;

(3) 601 KAR 9:060, Commercial vehicle registration plates;

(4) 601 KAR 9:065, Exempt devices;

(5) 601 KAR 9:095, Information entered into the Automated Vehicle Information System (AVIS); and

(6) 601 KAR 9:105, Filing of duplicate applications.

GREG THOMAS, Secretary

JOHN-MARK HACK, Commissioner

D. ANN DANGELO, Office of Legal Services

APPROVED BY AGENCY: August 10, 2016

FILED WITH LRC: August 10, 2016 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 28, 2016 at 10:00 a.m. local time at the Transportation Cabinet, Transportation Cabinet Building, Hearing Room C121, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing five (5) working days prior to the hearing, of their intent to attend. If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirement five working days prior to the hearing. This request does not have to be in writing. 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. Written comments shall be accepted until the end of the calendar day (11:59 p.m.) on September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: D. Ann Dangelo, Asst. General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, phone (502) 564-7650, fax (502) 564-5238, email Ann.Dangelo@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Ann DAngelo

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals six (6) administrative regulations: 601 KAR 9:010, 601 KAR 9:020, 601 KAR 9:060, 601 KAR 9:065, 601 KAR 9:095, and 601 KAR 9:105.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to repeal and remove obsolete administrative regulations.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 174.080 authorizes the secretary of the Transportation Cabinet to promulgate administrative regulations related to the operations of the cabinet.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This repealer administrative regulation will remove administrative regulations that are obsolete or no longer necessary to the operations of the Transportation Cabinet.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: N/A

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Transportation Cabinet will be positively affected by removing an obsolete administrative regulation from its books.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: N/A

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): N/A

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): N/A

(5) Provide an estimate of how much it will cost the administrative body to implement the administrative regulation:

(a) Initially: There are no costs.

(b) On a continuing basis: There are no costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: N/A

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There are no fees involved.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This is a repealer administrative regulation and there are no associated costs.

(9) TIERING: Is tiering applied? No, this is a repealer of six (6) obsolete administrative regulations.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Transportation Cabinet is positively impacted because an obsolete administrative regulation will no longer be on the books. All parties will benefit by the removal of obsolete administrative regulations.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 13A.310 authorizes the cabinet to repeal an administrative regulation.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. This administrative regulation will not affect expenditures or revenues.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate revenue.

(c) How much will it cost to administer this program for the first year? There are no costs involved in this repealer regulation.

(d) How much will it cost to administer this program for subsequent years? There are no costs involved in this repealer regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

TRANSPORTATION CABINET Department of Vehicle Regulation (Repealer)

601 KAR 40:011. Repeal of 601 KAR 40:010.

RELATES TO: KRS 174.450

STATUTORY AUTHORITY: KRS 174.450

NECESSITY, FUNCTION, AND CONFORMITY: KRS 174.080 authorizes the secretary to promulgate administrative regulations related to the operations of the Transportation Cabinet. This administrative regulation repeals 601 KAR 40:010 because it is obsolete and no longer necessary to the operations of the Department of Vehicle Regulation.

Section 1. 601 KAR 40:010, Identification of motor vehicles

transporting municipal solid waste, is hereby repealed.

GREG THOMAS, Secretary
JOHN-MARK HACK, Commissioner
D. ANN DANGELO, Office of Legal Services

APPROVED BY AGENCY: August 10, 2016

FILED WITH LRC: August 10, 2016 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 28, 2016 at 10:00 a.m. local time at the Transportation Cabinet, Transportation Cabinet Building, Hearing Room C121, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing five (5) working days prior to the hearing, of their intent to attend. If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirement five working days prior to the hearing. This request does not have to be in writing. 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. Written comments shall be accepted until the end of the calendar day (11:59 p.m.) on September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: D. Ann Dangelo, Asst. General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, phone (502) 564-7650, fax (502) 564-5238, email Ann.Dangelo@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Ann DAngelo

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals one (1) administrative regulation: 601 KAR 40:010.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to repeal and remove an obsolete administrative regulation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 174.080 authorizes the secretary of the Transportation Cabinet to promulgate administrative regulations related to the operations of the cabinet.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This repealer administrative regulation will remove an administrative regulation that is obsolete or no longer necessary to the operations of the Transportation Cabinet.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: N/A

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Transportation Cabinet will be positively affected by removing an obsolete administrative regulation from its books.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: N/A

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): N/A

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): N/A

(5) Provide an estimate of how much it will cost the administrative body to implement the administrative regulation:

(a) Initially: There are no costs.

(b) On a continuing basis: There are no costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: N/A

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There are no fees involved.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This is a repealer administrative regulation and there are no associated costs.

(9) TIERING: Is tiering applied? No, this is a repealer of one (1) obsolete administrative regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Transportation Cabinet is positively impacted because an obsolete administrative regulation will no longer be on the books. All parties benefit by the removal of obsolete administrative regulations.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 13A.310 authorizes the cabinet to repeal an administrative regulation.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. This administrative regulation will not affect expenditures or revenues.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate revenue.

(c) How much will it cost to administer this program for the first year? There are no costs involved in this repealer regulation.

(d) How much will it cost to administer this program for subsequent years? There are no costs involved in this repealer regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

TRANSPORTATION CABINET
Department of Aviation
(Repealer)

602 KAR 15:011. Repeal of 602 KAR 15:010.

RELATES TO: KRS 183.200-183.213

STATUTORY AUTHORITY: KRS 183.213

NECESSITY, FUNCTION, AND CONFORMITY: KRS 174.080 authorizes the secretary to promulgate administrative regulations related to the operations of the Transportation Cabinet. This administrative regulation repeals 602 KAR 15:010 because it is obsolete and no longer necessary to the operations of the Department of Aviation.

Section 1. 602 KAR 15:010, Airport development loans, is hereby repealed.

GREG THOMAS, Secretary

STEVE PARKER, Commissioner

D. ANN DANGELO, Office of Legal Services

APPROVED BY AGENCY: August 10, 2016

FILED WITH LRC: August 10, 2016 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 28, 2016 at 10:00 a.m. local time at the Transportation Cabinet, Transportation Cabinet Building, Hearing Room C121, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing five (5) working days prior to the hearing, of their intent to attend. If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirement five working days prior to the hearing. This request does not have to be in writing. 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. Written comments shall be accepted until the end of the calendar day (11:59 p.m.) on September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: D. Ann Dangelo, Asst. General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, phone (502) 564-7650, fax (502) 564-5238, email Ann.Dangelo@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Ann Dangelo

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals one (1) administrative regulation: 602 KAR 15:010.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to repeal and remove an obsolete administrative regulation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 174.080 authorizes the secretary of the Transportation Cabinet to promulgate administrative regulations related to the operations of the cabinet.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This repealer administrative regulation will remove an administrative regulation that is obsolete or no longer necessary to the operations of the Transportation Cabinet.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: N/A

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Transportation Cabinet will be positively affected by removing an obsolete administrative regulation from its books.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: N/A

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): N/A

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): N/A

(5) Provide an estimate of how much it will cost the administrative body to implement the administrative regulation:

(a) Initially: There are no costs.

(b) On a continuing basis: There are no costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: N/A

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There are no fees involved.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This is a repealer administrative regulation and there are no associated costs.

(9) TIERING: Is tiering applied? No, this is a repealer of one (1) obsolete administrative regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Transportation Cabinet is positively impacted because an obsolete administrative regulation will no longer be on the books. All parties benefit by the removal of obsolete administrative regulations.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 13A.310 authorizes the cabinet to repeal an administrative regulation.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. This administrative regulation will not affect expenditures or revenues.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate revenue.

(c) How much will it cost to administer this program for the first year? There are no costs involved in this repealer regulation.

(d) How much will it cost to administer this program for subsequent years? There are no costs involved in this repealer regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):
Other Explanation:

TRANSPORTATION CABINET
Department of Aviation
(Repealer)

602 KAR 20:091. Repeal of 602 KAR 20:090.

RELATES TO: KRS 183.090

STATUTORY AUTHORITY: KRS 183.024

NECESSITY, FUNCTION, AND CONFORMITY: KRS 174.080

authorizes the secretary to promulgate administrative regulations related to the operations of the Transportation Cabinet. This administrative regulation repeals 602 KAR 20:090 because it is obsolete and no longer necessary to the operations of the Department of Aviation.

Section 1. 602 KAR 20:090, Scheduled air carrier airports, is hereby repealed.

GREG THOMAS, Secretary

STEVE PARKER, Commissioner

D. ANN DANGELO, Office of Legal Services

APPROVED BY AGENCY: August 10, 2016

FILED WITH LRC: August 10, 2016 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 28, 2016 at 10:00 a.m. local time at the Transportation Cabinet, Transportation Cabinet Building, Hearing Room C121, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing five (5) working days prior to the hearing, of their intent to attend. If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirement five working days prior to the hearing. This request does not have to be in writing. 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. Written comments shall be accepted until the end of the calendar day (11:59 p.m.) on September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: D. Ann Dangelo, Asst. General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, phone (502) 564-7650, fax (502) 564-5238, email Ann.Dangelo@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Ann Dangelo

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals one (1) administrative regulation: 602 KAR 20:090.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to repeal and remove an obsolete administrative regulation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 174.080 authorizes the secretary of the Transportation Cabinet to promulgate administrative regulations related to the operations of the cabinet.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This repealer administrative regulation will remove an administrative regulation that is obsolete or no longer necessary to the operations of the Transportation Cabinet.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: N/A

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Transportation Cabinet will be positively affected by removing an obsolete administrative regulation from its books.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: N/A

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): N/A

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): N/A

(5) Provide an estimate of how much it will cost the administrative body to implement the administrative regulation:

(a) Initially: There are no costs.

(b) On a continuing basis: There are no costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: N/A

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There are no fees involved.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This is a repealer administrative regulation and there are no associated costs.

(9) TIERING: Is tiering applied? No, this is a repealer of one (1) obsolete administrative regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Transportation Cabinet is positively impacted because an obsolete administrative regulation will no longer be on the books. All parties benefit by the removal of obsolete administrative regulations.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 13A.310 authorizes the cabinet to repeal an administrative regulation.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. This administrative regulation will not affect expenditures or revenues.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate revenue.

(c) How much will it cost to administer this program for the first year? There are no costs involved in this repealer regulation.

(d) How much will it cost to administer this program for subsequent years? There are no costs involved in this repealer regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

**TRANSPORTATION CABINET
Department of Highways
(Repealer)**

603 KAR 1:031. Repeal of 603 KAR 1:030.

RELATES TO: KRS 45.360, 176.070, 176.130, 176.140

STATUTORY AUTHORITY: KRS 174.080, 176.140

NECESSITY, FUNCTION, AND CONFORMITY: KRS 174.080

authorizes the secretary to promulgate administrative regulations related to the operations of the Transportation Cabinet. This administrative regulation repeals 603 KAR 1:030 because it is obsolete and no longer necessary to the operations of the Department of Highways.

Section 1. 603 KAR 1:030, Crushed stone, bituminous materials; certificate of eligibility to bid, is hereby repealed.

GREG THOMAS, Secretary

PATTY DUNAWAY, State Highway Engineer

D. ANN DANGELO, Office of Legal Services

APPROVED BY AGENCY: August 15, 2016

FILED WITH LRC: August 15, 2016 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 28, 2016 at 10:00 a.m. local time at the Transportation Cabinet, Transportation Cabinet Building, Hearing Room C121, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing five (5) working days prior to the hearing, of their intent to attend. If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirement five working days prior to the hearing. This request does not have to be in writing. 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. Written comments shall be accepted until the end of the calendar day (11:59 p.m.) on September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: D. Ann Dangelo, Asst. General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, phone (502) 564-7650, fax (502) 564-5238, email Ann.Dangelo@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Ann DAngelo

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals one (1) administrative regulation: 603 KAR 1:030.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to repeal and remove an obsolete administrative regulation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 174.080 authorizes the secretary of the Transportation Cabinet to promulgate administrative regulations related to the operations of the cabinet.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This repealer administrative regulation will remove an administrative regulation

that is obsolete or no longer necessary to the operations of the Transportation Cabinet.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: N/A

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Transportation Cabinet will be positively affected by removing an obsolete administrative regulation from its books.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: N/A

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): N/A

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): N/A

(5) Provide an estimate of how much it will cost the administrative body to implement the administrative regulation:

(a) Initially: There are no costs.

(b) On a continuing basis: There are no costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: N/A

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There are no fees involved.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This is a repealer administrative regulation and there are no associated costs.

(9) TIERING: Is tiering applied? No, this is a repealer of one (1) obsolete administrative regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Transportation Cabinet is positively impacted because an obsolete administrative regulation will no longer be on the books. All parties benefit by the removal of obsolete administrative regulations.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 13A.310 authorizes the cabinet to repeal an administrative regulation.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. This administrative regulation will not affect expenditures or revenues.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate revenue.

(c) How much will it cost to administer this program for the first

year? There are no costs involved in this repealer regulation.

(d) How much will it cost to administer this program for subsequent years? There are no costs involved in this repealer regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

**TRANSPORTATION CABINET
Department of Highways
(Repealer)**

603 KAR 4:046. Repeal of 603 KAR 4:045.

RELATES TO: KRS 189.010(4), 189.337, 23 C.F.R. 1.23, 23 U.S.C. 162

STATUTORY AUTHORITY: KRS 189.337, 23 U.S.C. 162

NECESSITY, FUNCTION, AND CONFORMITY: KRS 174.080 authorizes the secretary to promulgate administrative regulations related to the operations of the Transportation Cabinet. This administrative regulation repeals 603 KAR 4:045 because it is obsolete and no longer necessary to the operations of the Department of Highways.

Section 1. 603 KAR 4:045, Cultural and recreational supplemental guide signs and boundary signs, is hereby repealed.

GREG THOMAS, Secretary

PATTY DUNAWAY, State Highway Engineer

D. ANN DANGELO, Office of Legal Services

APPROVED BY AGENCY: August 10, 2016

FILED WITH LRC: August 10, 2016 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 28, 2016 at 10:00 a.m. local time at the Transportation Cabinet, Transportation Cabinet Building, Hearing Room C121, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing five (5) working days prior to the hearing, of their intent to attend. If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirement five working days prior to the hearing. This request does not have to be in writing. 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. Written comments shall be accepted until the end of the calendar day (11:59 p.m.) on September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: D. Ann Dangelo, Asst. General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, phone (502) 564-7650, fax (502) 564-5238, email Ann.Dangelo@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Ann Dangelo

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals one (1) administrative regulation: 603 KAR 4:045.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to repeal and remove an obsolete administrative regulation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 174.080 authorizes the secretary

of the Transportation Cabinet to promulgate administrative regulations related to the operations of the cabinet.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This repealer administrative regulation will remove an administrative regulation that is obsolete or no longer necessary to the operations of the Transportation Cabinet.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: N/A

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Transportation Cabinet will be positively affected by removing an obsolete administrative regulation from its books.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: N/A

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): N/A

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): N/A

(5) Provide an estimate of how much it will cost the administrative body to implement the administrative regulation:

(a) Initially: There are no costs.

(b) On a continuing basis: There are no costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: N/A

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There are no fees involved.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This is a repealer administrative regulation and there are no associated costs.

(9) TIERING: Is tiering applied? No, this is a repealer of one (1) obsolete administrative regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Transportation Cabinet is positively impacted because an obsolete administrative regulation will no longer be on the books. All parties benefit by the removal of obsolete administrative regulations.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 13A.310 authorizes the cabinet to repeal an administrative regulation.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. This administrative regulation will not affect expenditures or revenues.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate revenue.

(c) How much will it cost to administer this program for the first year? There are no costs involved in this repealer regulation.

(d) How much will it cost to administer this program for subsequent years? There are no costs involved in this repealer regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

TRANSPORTATION CABINET
Department of Highways
(Repealer)

603 KAR 5:311. Repeal of 603 KAR 5:020, 603 KAR 5:030, 603 KAR 5:080, 603 KAR 5:090, 603 KAR 5:240, and 603 KAR 5:301.

RELATES TO: KRS 177.220-177.240, 189.221, 189.222, 189.231, 189.338

STATUTORY AUTHORITY: KRS 174.080, 189.222, 189.338.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 174.080 authorizes the secretary to promulgate administrative regulations related to the operations of the Transportation Cabinet. This administrative regulation repeals 603 KAR 5:020, 603 KAR 5:030, 603 KAR 5:080, 603 KAR 5:090, 603 KAR 5:240, and 603 KAR 5:301. Those administrative regulations are obsolete and no longer necessary to the operations of the Department of Highways.

Section 1. The following administrative regulations are hereby repealed:

(1) 603 KAR 5:020, Pedestrian traffic on limited access facilities;

(2) 603 KAR 5:030, Right or left turn on red signal prohibitions;

(3) 603 KAR 5:080, Truck detours;

(4) 603 KAR 5:090, Truck spacing on bridges;

(5) 603 KAR 5:240, Naming of roads and bridges; and

(6) 603 KAR 5:301, Weight (mass) classification of the state-maintained system of highways.

GREG THOMAS, Secretary

PATTY DUNAWAY, State Highway Engineer

D. ANN DANGELO, Office of Legal Services

APPROVED BY AGENCY: August 10, 2016

FILED WITH LRC: August 10, 2016 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 28, 2016 at 10:00 a.m. local time at the Transportation Cabinet, Transportation Cabinet Building, Hearing Room C121, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing five (5) working days prior to the hearing, of their intent to attend. If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirement five working days prior to the hearing. This request does not have to be in writing. 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. Written comments shall be accepted until the end of the calendar day (11:59 p.m.) on September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: D. Ann Dangelo, Asst. General Counsel,

Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, phone (502) 564-7650, fax (502) 564-5238, email Ann.Dangelo@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Ann DAngelo

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals six (6) administrative regulations: 603 KAR 5:020, 603 KAR 5:030, 603 KAR 5:080, 603 KAR 5:090, 603 KAR 5:240, and 603 KAR 5:301.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to repeal and remove obsolete administrative regulations.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 174.080 authorizes the secretary of the Transportation Cabinet to promulgate administrative regulations related to the operations of the cabinet.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This repealer administrative regulation will remove administrative regulations that are obsolete or no longer necessary to the operations of the Transportation Cabinet.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: N/A

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Transportation Cabinet will be positively affected by removing an obsolete administrative regulation from its books.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: N/A

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): N/A

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): N/A

(5) Provide an estimate of how much it will cost the administrative body to implement the administrative regulation:

(a) Initially: There are no costs.

(b) On a continuing basis: There are no costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: N/A

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There are no fees involved.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This is a repealer administrative regulation and there are no associated costs.

(9) TIERING: Is tiering applied? No, this is a repealer of six (6) obsolete administrative regulations.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will

be impacted by this administrative regulation? The Transportation Cabinet is positively impacted because an obsolete administrative regulation will no longer be on the books. All parties benefit by the removal of obsolete administrative regulations.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 13A.310 authorizes the cabinet to repeal an administrative regulation.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. This administrative regulation will not affect expenditures or revenues.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate revenue.

(c) How much will it cost to administer this program for the first year? There are no costs involved in this repealer regulation.

(d) How much will it cost to administer this program for subsequent years? There are no costs involved in this repealer regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

**TRANSPORTATION CABINET
Office for Transportation Delivery
(Repealer)**

603 KAR 7:071. Repeal of 603 KAR 7:010, 603 KAR 7:040, 603 KAR 7:050, 603 KAR 7:060, and 603 KAR 7:070.

RELATES TO: KRS Chapter 96A, 174.080, 176.050, 176.240
STATUTORY AUTHORITY: KRS 67.080, 67.083, 96A.095, 96A.120, 174.080

NECESSITY, FUNCTION, AND CONFORMITY: KRS 174.080 authorizes the secretary to promulgate administrative regulations related to the operations of the Transportation Cabinet. This administrative regulation repeals 603 KAR 7:010, 603 KAR 7:040, 603 KAR 7:050, 603 KAR 7:060, and 603 KAR 7:070. Those administrative regulations are obsolete and no longer necessary to the operations of the Transportation Cabinet.

Section 1. The following administrative regulations are hereby repealed:

- (1) 603 KAR 7:010, Loans;
- (2) 603 KAR 7:040, Public transportation capital assistance program;
- (3) 603 KAR 7:050, Local rail service assistance program;
- (4) 603 KAR 7:060, Urbanized area transportation planning;
- and
- (5) 603 KAR 7:070, Carpool project.

GREG THOMAS, Secretary
VICKIE BOURNE, Executive Director
D. ANN DANGELO, Office of Legal Services

APPROVED BY AGENCY: August 10, 2016

FILED WITH LRC: August 10, 2016 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 28, 2016 at 10:00 a.m. local time at the Transportation Cabinet, Transportation Cabinet Building, Hearing Room C121, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing five

(5) working days prior to the hearing, of their intent to attend. If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirement five working days prior to the hearing. This request does not have to be in writing. 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. Written comments shall be accepted until the end of the calendar day (11:59 p.m.) on September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: D. Ann Dangelo, Asst. General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, phone (502) 564-7650, fax (502) 564-5238, email Ann.Dangelo@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Ann DAngelo

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals five (5) administrative regulations: 603 KAR 7:010, 603 KAR 7:040, 603 KAR 7:050, 603 KAR 7:060, and 603 KAR 7:070.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to repeal and remove obsolete administrative regulations.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 174.080 authorizes the secretary of the Transportation Cabinet to promulgate administrative regulations related to the operations of the cabinet.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This repealer administrative regulation will remove administrative regulations that are obsolete or no longer necessary to the operations of the Transportation Cabinet.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: N/A

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Transportation Cabinet will be positively affected by removing an obsolete administrative regulation from its books.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: N/A

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): N/A

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): N/A

(5) Provide an estimate of how much it will cost the administrative body to implement the administrative regulation:

(a) Initially: There are no costs.

(b) On a continuing basis: There are no costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: N/A

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There are no fees involved.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This is a repealer administrative regulation and there are no associated costs.

(9) TIERING: Is tiering applied? No, this is a repealer of five (5) obsolete administrative regulations.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Transportation Cabinet is positively impacted because an obsolete administrative regulation will no longer be on the books. All parties benefit by the removal of obsolete administrative regulations.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 13A.310 authorizes the cabinet to repeal an administrative regulation.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. This administrative regulation will not affect expenditures or revenues.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate revenue.

(c) How much will it cost to administer this program for the first year? There are no costs involved in this repealer regulation.

(d) How much will it cost to administer this program for subsequent years? There are no costs involved in this repealer regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

TRANSPORTATION CABINET Department of Highways (Repealer)

603 KAR 8:011. Repeal of 603 KAR 8:010.

RELATES TO: KRS Chapter 176, 1986 Ky. Acts ch. 401

STATUTORY AUTHORITY: KRS 174.080, 176.140

NECESSITY, FUNCTION, AND CONFORMITY: KRS 174.080 authorizes the secretary to promulgate administrative regulations related to the operations of the Transportation Cabinet. This administrative regulation repeals 603 KAR 8:010 because it is obsolete and no longer necessary to the operations of the Department of Highways.

Section 1. 603 KAR 8:010, Transportation scholarship program, is hereby repealed.

GREG THOMAS, Secretary

PATTY DUNAWAY, State Highway Engineer

D. ANN DANGELO, Office of Legal Services

APPROVED BY AGENCY: August 10, 2016

FILED WITH LRC: August 10, 2016 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A

public hearing on this administrative regulation shall be held on September 28, 2016 at 10:00 a.m. local time at the Transportation Cabinet, Transportation Cabinet Building, Hearing Room C121, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing five (5) working days prior to the hearing, of their intent to attend. If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirement five working days prior to the hearing. This request does not have to be in writing. 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. Written comments shall be accepted until the end of the calendar day (11:59 p.m.) on September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: D. Ann Dangelo, Asst. General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, phone (502) 564-7650, fax (502) 564-5238, email Ann.Dangelo@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Ann DAngelo

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals one (1) administrative regulation: 603 KAR 8:010.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to repeal and remove an obsolete administrative regulation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 174.080 authorizes the secretary of the Transportation Cabinet to promulgate administrative regulations related to the operations of the cabinet.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This repealer administrative regulation will remove an administrative regulation that is obsolete or no longer necessary to the operations of the Transportation Cabinet.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: N/A

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Transportation Cabinet will be positively affected by removing an obsolete administrative regulation from its books.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: N/A

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): N/A

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): N/A

(5) Provide an estimate of how much it will cost the administrative body to implement the administrative regulation:

(a) Initially: There are no costs.

- (b) On a continuing basis: There are no costs.
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: N/A
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There are no fees involved.
- (8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This is a repealer administrative regulation and there are no associated costs.
- (9) TIERING: Is tiering applied? No, this is a repealer of one (1) obsolete administrative regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

- (1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Transportation Cabinet is positively impacted because an obsolete administrative regulation will no longer be on the books. All parties benefit by the removal of obsolete administrative regulations.
- (2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 13A.310 authorizes the cabinet to repeal an administrative regulation.
- (3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. This administrative regulation will not affect expenditures or revenues.
- (a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue.
- (b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate revenue.
- (c) How much will it cost to administer this program for the first year? There are no costs involved in this repealer regulation.
- (d) How much will it cost to administer this program for subsequent years? There are no costs involved in this repealer regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):
Expenditures (+/-):
Other Explanation:

TRANSPORTATION CABINET Department of Highways (Repealer)

603 KAR 9:021. Repeal of 603 KAR 9:020.

RELATES TO: KRS 183.090

STATUTORY AUTHORITY: KRS 183.024

NECESSITY, FUNCTION, AND CONFORMITY: KRS 174.080 authorizes the secretary to promulgate administrative regulations related to the operations of the Transportation Cabinet. This administrative regulation repeals 603 KAR 9:020 because it is obsolete and no longer necessary to the operations of the Department of Highways.

Section 1. 603 KAR 9:020, Automatic gates at public grade crossings, is hereby repealed.

GREG THOMAS, Secretary
PATTY DUNAWAY, State Highway Engineer

D. ANN DANGELO, Office of Legal Services

APPROVED BY AGENCY: August 10, 2016

FILED WITH LRC: August 10, 2016 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 28, 2016 at 10:00 a.m. local time at the Transportation Cabinet, Transportation Cabinet Building, Hearing Room C121, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing five (5) working days prior to the hearing, of their intent to attend. If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirement five working days prior to the hearing. This request does not have to be in writing. 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. Written comments shall be accepted until the end of the calendar day (11:59 p.m.) on September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: D. Ann Dangelo, Asst. General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, phone (502) 564-7650, fax (502) 564-5238, email Ann.Dangelo@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Ann DAngelo

- (1) Provide a brief summary of:
- (a) What this administrative regulation does: This administrative regulation repeals one (1) administrative regulation: 603 KAR 9:020.
- (b) The necessity of this administrative regulation: This administrative regulation is necessary to repeal and remove an obsolete administrative regulation.
- (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 174.080 authorizes the secretary of the Transportation Cabinet to promulgate administrative regulations related to the operations of the cabinet.
- (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This repealer administrative regulation will remove an administrative regulation that is obsolete or no longer necessary to the operations of the Transportation Cabinet.
- (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
- (a) How the amendment will change this existing administrative regulation: N/A
- (b) The necessity of the amendment to this administrative regulation: N/A
- (c) How the amendment conforms to the authorizing statutes: N/A
- (d) How the amendment will assist in the effective administration of the statutes: N/A
- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Transportation Cabinet will be positively affected by removing an obsolete administrative regulation from its books.
- (4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
- (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: N/A
- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): N/A
- (c) As a result of compliance, what benefits will accrue to the

entities identified in question (3): N/A

(5) Provide an estimate of how much it will cost the administrative body to implement the administrative regulation:

(a) Initially: There are no costs.

(b) On a continuing basis: There are no costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: N/A

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There are no fees involved.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This is a repealer administrative regulation and there are no associated costs.

(9) TIERING: Is tiering applied? No, this is a repealer of one (1) obsolete administrative regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Transportation Cabinet is positively impacted because an obsolete administrative regulation will no longer be on the books. All parties benefit by the removal of obsolete administrative regulations.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 13A.310 authorizes the cabinet to repeal an administrative regulation.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. This administrative regulation will not affect expenditures or revenues.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate revenue.

(c) How much will it cost to administer this program for the first year? There are no costs involved in this repealer regulation.

(d) How much will it cost to administer this program for subsequent years? There are no costs involved in this repealer regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

TRANSPORTATION CABINET Department of Vehicle Regulation Kentucky Motor Vehicle Commission (Repealer)

605 KAR 1:011. Repeal of 605 KAR 1:010.

RELATES TO: KRS 190.058

STATUTORY AUTHORITY: KRS 190.058

NECESSITY, FUNCTION, AND CONFORMITY: KRS 174.080 authorizes the secretary to promulgate administrative regulations related to the operations of the Transportation Cabinet. This administrative regulation repeals 605 KAR 1:010 because it is obsolete and no longer necessary to the operations of the Department of Vehicle Regulation.

Section 1. 605 KAR 1:010, Meetings, is hereby repealed.

GREG THOMAS, Secretary

JOHN-MARK HACK, Commissioner

D. ANN DANGELO, Office of Legal Services

APPROVED BY AGENCY: August 10, 2016

FILED WITH LRC: August 10, 2016 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 28, 2016 at 10:00 a.m. local time at the Transportation Cabinet, Transportation Cabinet Building, Hearing Room C121, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing five (5) working days prior to the hearing, of their intent to attend. If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirement five working days prior to the hearing. This request does not have to be in writing. 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. Written comments shall be accepted until the end of the calendar day (11:59 p.m.) on September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: D. Ann Dangelo, Asst. General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, phone (502) 564-7650, fax (502) 564-5238, email Ann.Dangelo@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Ann DAngelo

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals one (1) administrative regulation: 605 KAR 1:010.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to repeal and remove an obsolete administrative regulation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 174.080 authorizes the secretary of the Transportation Cabinet to promulgate administrative regulations related to the operations of the cabinet.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This repealer administrative regulation will remove an administrative regulation that is obsolete or no longer necessary to the operations of the Transportation Cabinet.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: N/A

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Transportation Cabinet will be positively affected by removing an obsolete administrative regulation from its books.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: N/A

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): N/A

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): N/A

(5) Provide an estimate of how much it will cost the administrative body to implement the administrative regulation:

(a) Initially: There are no costs.

(b) On a continuing basis: There are no costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: N/A

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There are no fees involved.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This is a repealer administrative regulation and there are no associated costs.

(9) TIERING: Is tiering applied? No, this is a repealer of one (1) obsolete administrative regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Transportation Cabinet is positively impacted because an obsolete administrative regulation will no longer be on the books. All parties benefit by the removal of obsolete administrative regulations.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 13A.310 authorizes the cabinet to repeal an administrative regulation.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. This administrative regulation will not affect expenditures or revenues.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate revenue.

(c) How much will it cost to administer this program for the first year? There are no costs involved in this repealer regulation.

(d) How much will it cost to administer this program for subsequent years? There are no costs involved in this repealer regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

EDUCATION AND WORKFORCE DEVELOPMENT CABINET Kentucky Board of Education Department of Education (Repealer)

702 KAR 3:171. Repeal of 702 KAR 3:170.

RELATES TO: KRS 156.031, 156.074, 168.100

STATUTORY AUTHORITY: KRS 156.070, 156.160

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.074 gives the Kentucky Board of Education the general authority, through the Finance and Administration Cabinet, to secure state

price contracts for supplies and equipment to be purchased by district boards of education. KRS 168.100 gives the Kentucky Authority for Educational Television the specific authority to prescribe standards for television receiving units to be used in the public schools. 702 KAR 3:170 established the terms and means by which school districts could purchase television receivers, stands, and related equipment. This administrative regulation repeals 702 KAR 3:170, Educational television equipment purchases, because there is no longer a need to establish statewide minimum specifications for educational television receivers and stands. Further, state price contracts are not utilized by local school districts for the purchase of educational television receivers, stands, or related equipment.

Section 1. 702 KAR 3:170, Educational television equipment purchases, is hereby repealed.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

STEPHEN L. PRUITT, PH.D., Commissioner of Education
WILLIAM TWYMAN, Chairperson

APPROVED BY AGENCY: August 12, 2016

FILED WITH LRC: August 12, 2016 at noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on September 28, 2016, at 10 a.m. in the State Board Room, 5th Floor, 300 Building, Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working 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 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. Written comments shall be accepted through September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Kevin C. Brown, Associate Commissioner and General Counsel, Kentucky Department of Education, 500 Mero Street, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email kevin.brown@education.ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Kevin C. Brown

(1) Provide a brief summary of:

(a) What this administrative regulation does: Repeals administrative regulation 702 KAR 3:170, which required the creation of statewide minimum specifications for the purchase of educational televisions, stands, and related equipment by school districts.

(b) The necessity of this administrative regulation: This regulation will repeal the antiquated requirement that the Kentucky Board of Education (KBE), in conjunction with the Kentucky Authority for Education Television (KET), create minimum specifications for the purchase of educational televisions and stands. KRS 168.100 permits KET to prescribe standards for the purchase of televisions and stands. Neither KET nor KBE currently prescribe television equipment standards for local school district purchase.

(c) How this administrative regulation conforms to the content of the authorizing statute: The administrative regulation conforms to the authority given to the agency in KRS 156.060 and KRS 156.070.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation would repeal the outdated and disused

regulation requiring the establishment of minimum specifications for the purchase of televisions and stands.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: Not Applicable.

(b) The necessity of the amendment to this administrative regulation: Not Applicable.

(c) How the amendment conforms to the content of the authorizing statute: Not Applicable.

(d) How the amendment will assist in the effective administration of the statutes: Not Applicable.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Local school districts, Kentucky Authority for Educational Television, and the agency.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No actions are required, because there are currently no minimum television and stand purchase requirements.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No cost is associated with the repeal of this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The repeal of this administrative regulation will cleanup and modernize the agency's regulations. The existing administrative regulation is outdated and does not reflect the current realities of school technology purchases.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No cost

(b) On a continuing basis: No cost

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: N/A

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: N/A

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: N/A

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all schools and districts.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This regulation will repeal the regulation requiring the establishment of minimum specifications for the purchase of televisions and stands by local school districts. It will impact local districts, the Kentucky Department of Education and the Kentucky Authority for Educational Television (Authority). KRS 168.100 permits the Authority to establish minimum specifications. However, the Authority no longer prescribes minimum specifications. 702 KAR 3:170 was promulgated in 1975 and last updated in 1990. The regulation no longer reflects the current realities of school television purchases.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.060 and KRS 156.070.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. No

effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue.

(c) How much will it cost to administer this program for the first year? The program is being repealed- there will be no cost associated with the repeal.

(d) How much will it cost to administer this program for subsequent years? The program is being repealed- there will be no cost associated with the repeal.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): N/A

Expenditures (+/-): N/A

Other Explanation: N/A

EDUCATION AND WORKFORCE DEVELOPMENT CABINET Kentucky Board of Education Department of Education (Repealer)

780 KAR 4:012. Repeal of 780 KAR 4:010.

RELATES TO: KRS 156.802(3), (6), 156.850, 156.852, 20 U.S.C. 2391-2415

STATUTORY AUTHORITY: KRS 156.802(3), (6), 156.850, 156.852

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.802 gives the Department of Education's Office of Career and Technical Education the responsibility for all administrative functions of the state in relation to the management, control, and operation of state-operated secondary area technology centers. KRS 156.850 ensures that the state accepts all federal acts related to career and technical education. KRS 156.852 authorizes the Kentucky Board of Education to carry out the purposes of the program of vocational education and the provisions of the Acts of Congress accepted by KRS 156.850. 780 KAR 4:010 established the broad, general standards for all career and technical education programs to qualify for federal funding. The need for the administrative regulation is still apparent, however there are two (2) administrative regulations currently addressing general and program standards for career and technical education. Relative language from 780 KAR 4:010 will be merged into 705 KAR 4:231, to create a comprehensive administrative regulation governing general and program standards for all of career and technical education in the commonwealth. Combining the two (2) administrative regulations will simplify the regulatory scheme, increase administrative efficiency, and provide clarity to career and technical education programs. This administrative regulation repeals 780 KAR 4:010.

Section 1. 780 KAR 4:010, General standards, is hereby repealed.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

STEPHEN L. PRUITT, PH.D., Commissioner of Education
WILLIAM TWYMAN, Chairperson

APPROVED BY AGENCY: August 12, 2016

FILED WITH LRC: August 12, 2016 at noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on September 28, 2016, at 10 a.m. in the State Board Room, 5th Floor, 300 Building, Sower Boulevard, Frankfort, Kentucky.

Individuals interested in being heard at this meeting shall notify this agency in writing five working 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 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. Written comments shall be accepted through September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Kevin C. Brown, Associate Commissioner and General Counsel, Kentucky Department of Education, 500 Mero Street, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email kevin.brown@education.ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Kevin C. Brown

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals 780 KAR 4:010, which establishes the broad, general standards for all career and technical education programs to qualify for federal funding.

(b) The necessity of this administrative regulation: The need for the regulation is still apparent, however, there are two regulations currently addressing general and program standards for career and technical education. The repeal of 780 KAR 4:010 reduces confusion and eliminates redundancies within the agency's regulatory scheme.

(c) How this administrative regulation conforms to the content of the authorizing statute: KRS 156.802 gives the Department of Education's Office of Career and Technical Education the responsibility for all administrative functions of the state in relation to the management, control, and operation of state-operated secondary area technology centers. KRS 156.850 ensures that the state accepts all federal acts related to career and technical education. KRS 156.852 authorizes the Kentucky Board of Education to carry out the purposes of the program of vocational education and the provisions of the Acts of Congress accepted by KRS 156.850. Pursuant to these state statutes, the Kentucky Department of Education has the authority to promulgate program standards for Career and Technical Education and such standards are being amended within 705 KAR 4:231.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation simplifies regulatory language, eliminates redundancies and confusion, and increases the efficiency of the agency and career and technical education programs.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: N/A

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the content of the authorizing statute: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: State-operated area technology centers in Kentucky, as well as supporting staff in the Kentucky Department of Education.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: The repeal will impact the area technology centers and the Kentucky Department of Education by eliminating confusion caused by having multiple regulations that address the

same content and requirements.

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: N/A

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no additional cost to the schools, districts or the Kentucky Department of Education.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The area technology centers will experience a more simplified scheme of regulatory requirements and a reduction of administrative burden for both the schools and teachers.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: Additional costs are not anticipated.

(b) On a continuing basis: Additional costs are not anticipated.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Additional costs are not anticipated.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase will be necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all school districts.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? State-operated area technology centers.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.802, KRS 156.850, KRS 156.852, 20 U.S.C. 2391-2415

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. None.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? None.

(d) How much will it cost to administer this program for subsequent years? None.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: Regulation does not generate revenue or establish fees.

**PUBLIC PROTECTION CABINET
Department of Alcoholic Beverage Control
(Repealer)**

804 KAR 1:071. Repeal of 804 KAR 1:070, 804 KAR 1:090, and 804 KAR 1:120.

RELATES TO: KRS 241.060

STATUTORY AUTHORITY: KRS 241.060(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 241.060(1) authorizes the Alcoholic Beverage Control Board to promulgate administrative regulations regarding control of the trafficking of alcoholic beverages. This administrative regulation repeals 804 KAR 1:070, 804 KAR 1:090, and 804 KAR 1:120 because they are duplicative of KRS statutes and are therefore unnecessary.

Section 1. The following administrative regulations are hereby repealed:

- (1) 804 KAR 1:070, Samples;
- (2) 804 KAR 1:090, Athletic team sponsorship; and
- (3) 804 KAR 1:120, Rebates and gift certificates.

K. GAIL RUSSELL, Deputy Secretary, Acting Commissioner
TRINA N. SUMMERS, Distilled Spirits Administrator

APPROVED BY AGENCY: August 15, 2016

FILED WITH LRC: August 15, 2016 at noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 23, 2016 at 1:00 pm Eastern Time at the Kentucky Department of Alcoholic Beverage Control, 1003 Twilight Trail, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this Department in writing at least five working 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 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. Written comments shall be accepted through the end of the day on September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Melissa McQueen, Staff Attorney,
Department of Alcoholic Beverage Control, 1003 Twilight Trail,
Frankfort, Kentucky 40601, phone (502) 782-7906, fax (502) 564-7479, email Melissa.McQueen@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Melissa McQueen

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation repeals 804 KAR 1:070, 1:090, and 1:120.

(b) The necessity of this administrative regulation: The existing regulations listed above duplicate various KRS statutes and are therefore unnecessary. This administrative regulation repeals those administrative regulations.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 241.060(1) authorizes the board to promulgate administrative regulations. Information in the regulations being repealed is contained in statute.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The repeal of these administrative regulations will eliminate duplicative references to statutes and will promote a better, clearer, and less repetitive regulatory scheme.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative

regulation: Not applicable

(b) The necessity of the amendment to this administrative regulation: Not applicable

(c) How the amendment conforms to the content of the authorizing statutes: Not applicable

(d) How the amendment will assist in the effective administration of the statutes: Not applicable

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Department of Alcoholic Beverage Control is impacted by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Because this regulation repeals unnecessary regulations, ABC will not be required to take any additional action.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no cost to repeal these administrative regulations.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There is no financial benefit to repeal these administrative regulations.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No cost.

(b) On a continuing basis: No cost.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding is needed to implement and enforce the repeal of these administrative regulations.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: There is no anticipated increase in fees or funding necessary to repeal these administrative regulations.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increased any fees: This administrative regulation repealer does not directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? No tiering is applied because this regulation repeals earlier regulations and applies equally to all regulated entities.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments or school districts) will be impacted by this administrative regulation? The Department of Alcoholic Beverage Control is impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 241.060(1) authorizes the board to promulgate administrative regulations.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated by this administrative regulation.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated by this administrative regulation.

(c) How much will it cost to administer this program for the first

year? There are no costs expected to repeal these administrative regulations.

(d) How much will it cost to administer this program for subsequent years? There are no costs expected to repeal these administrative regulations.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation:

Revenues (+/-):

Expenditures (+/-):

Other Explanation: Additional costs to administer these regulatory changes at the local government level for this year or subsequent years should be minimal or none.

PUBLIC PROTECTION CABINET
Department of Alcoholic Beverage Control
(Repealer)

804 KAR 3:081. Repeal of 804 KAR 3:080.

RELATES TO: KRS 241.060

STATUTORY AUTHORITY: KRS 241.060(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 241.060(1) authorizes the Alcoholic Beverage Control Board to promulgate administrative regulations regarding control of the trafficking of alcoholic beverages. This administrative regulation repeals 804 KAR 3:080 because it is no longer used and is therefore unnecessary.

Section 1. 804 KAR 3:080, Cash sales only, is hereby repealed.

K. GAIL RUSSELL, Deputy Secretary, Acting Commissioner

TRINA N. SUMMERS, Distilled Spirits Administrator

APPROVED BY AGENCY: August 15, 2016

FILED WITH LRC: August 15, 2016 at noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 23, 2016 at 1:00 pm Eastern Time at the Kentucky Department of Alcoholic Beverage Control, 1003 Twilight Trail, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this Department in writing at least five working 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 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. Written comments shall be accepted through the end of the day on September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Melissa McQueen, Staff Attorney, Department of Alcoholic Beverage Control, 1003 Twilight Trail, Frankfort, Kentucky 40601, phone (502) 782-7906, email Melissa.McQueen@ky.gov, fax (502) 564-7479.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Melissa McQueen

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation repeals 804 KAR 3:080.

(b) The necessity of this administrative regulation: The existing regulation is no longer used and is therefore unnecessary. This administrative regulation repeals that administrative regulation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 241.060(1) authorizes the board to promulgate administrative regulations.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The repeal of this administrative regulation will eliminate a regulation that is no longer used and will promote a better, clearer, and less repetitive regulatory scheme.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: Not applicable

(b) The necessity of the amendment to this administrative regulation: Not applicable

(c) How the amendment conforms to the content of the authorizing statutes: Not applicable

(d) How the amendment will assist in the effective administration of the statutes: Not applicable

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Department of Alcoholic Beverage Control is impacted by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Because this regulation repeals an unnecessary regulation, ABC will not be required to take any additional action.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no cost to repeal this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There is no financial benefit to repeal this administrative regulation.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No cost.

(b) On a continuing basis: No cost.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding is needed to implement and enforce the repeal of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: There is no anticipated increase in fees or funding necessary to repeal this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increased any fees: This administrative regulation repealer does not directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? No tiering is applied because this regulation repeals an earlier regulation and applies equally to all regulated entities.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments or school districts) will be impacted by this administrative regulation? The Department of Alcoholic Beverage Control is impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 241.060(1) authorizes the board to promulgate administrative regulations.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities,

counties, fire departments, or school districts) for the first year? No revenue will be generated by this administrative regulation.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated by this administrative regulation.

(c) How much will it cost to administer this program for the first year? There are no costs expected to repeal this administrative regulation.

(d) How much will it cost to administer this program for subsequent years? There are no costs expected to repeal this administrative regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation:

Revenues (+/-):

Expenditures (+/-):

Other Explanation: Additional costs to administer this regulatory change at the local government level for this year or subsequent years should be minimal or none.

PUBLIC PROTECTION CABINET
Department of Alcoholic Beverage Control
(Repealer)

804 KAR 4:041. Repeal of 804 KAR 4:040, 804 KAR 4:050, 804 KAR 4:150, 804 KAR 4:310, 804 KAR 4:340, and 804 KAR 4:385.

RELATES TO: KRS 241.060

STATUTORY AUTHORITY: KRS 241.060(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 241.060(1) authorizes the Alcoholic Beverage Control Board to promulgate administrative regulations regarding control of the trafficking of alcoholic beverages. This administrative regulation repeals 804 KAR 4:040, 804 KAR 4:050, 804 KAR 4:150, 804 KAR 4:310, 804 KAR 4:340, and 804 KAR 4:385 because they are duplicative of KRS statutes and are therefore unnecessary.

Section 1. The following administrative regulations are hereby repealed:

- (1) 804 KAR 4:040, Bottling house storage;
- (2) 804 KAR 4:050, Rectifying plants, bottling permitted;
- (3) 804 KAR 4:150, Request for citation;
- (4) 804 KAR 4:310, Caterer's license;
- (5) 804 KAR 4:340, Brew-on-premises license; and
- (6) 804 KAR 4:385, Using the word, "Kentucky", on wine labels prohibited; exceptions.

K. GAIL RUSSELL, Deputy Secretary, Acting Commissioner
TRINA N. SUMMERS, Distilled Spirits Administrator/Member
APPROVED BY AGENCY: August 15, 2016

FILED WITH LRC: August 15, 2016 at noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 23, 2016 at 1:00 pm Eastern Time at the Kentucky Department of Alcoholic Beverage Control, 1003 Twilight Trail, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this Department in writing at least five working 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 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. Written comments shall be accepted through the end of the day on September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact

person.

CONTACT PERSON: Melissa McQueen, Staff Attorney, Department of Alcoholic Beverage Control, 1003 Twilight Trail, Frankfort, Kentucky 40601, phone (502) 782-7906, fax (502) 564-7479, email Melissa.McQueen@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Melissa McQueen

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation repeals 804 KAR 4:040, 804 KAR 4:050, 804 KAR 4:150, 804 KAR 4:310, 804 KAR 4:340, and 804 KAR 4:385.

(b) The necessity of this administrative regulation: The existing regulations listed above duplicate various KRS statutes and are therefore unnecessary. This administrative regulation repeals those administrative regulations.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 241.060(1) authorizes the board to promulgate administrative regulations. Information in the regulations being repealed is contained in statute.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The repeal of these administrative regulations will eliminate duplicative references to statutes and will promote a better, clearer, and less repetitive regulatory scheme.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: Not applicable

(b) The necessity of the amendment to this administrative regulation: Not applicable

(c) How the amendment conforms to the content of the authorizing statutes: Not applicable

(d) How the amendment will assist in the effective administration of the statutes: Not applicable

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Department of Alcoholic Beverage Control is impacted by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Because this regulation repeals unnecessary regulations, ABC will not be required to take any additional action.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no cost to repeal these administrative regulations.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There is no financial benefit to repeal these administrative regulations.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No cost.

(b) On a continuing basis: No cost.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding is needed to implement and enforce the repeal of these administrative regulations.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: There is no anticipated increase in fees or funding necessary to repeal these administrative regulations.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increased any fees: This administrative regulation repealer does not directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? No tiering is applied because this regulation repeals earlier regulations and applies equally to all regulated entities.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments or school districts) will be impacted by this administrative regulation? The Department of Alcoholic Beverage Control is impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 241.060(1) authorizes the board to promulgate administrative regulations.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated by this administrative regulation.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated by this administrative regulation.

(c) How much will it cost to administer this program for the first year? There are no costs expected to repeal these administrative regulations.

(d) How much will it cost to administer this program for subsequent years? There are no costs expected to repeal these administrative regulations.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation:

Revenues (+/-):

Expenditures (+/-):

Other Explanation: Additional costs to administer these regulatory changes at the local government level for this year or subsequent years should be minimal or none.

**PUBLIC PROTECTION CABINET
Department of Alcoholic Beverage Control
(Repealer)**

804 KAR 5:031. Repeal of 804 KAR 5:030 and 804 KAR 5:050.

RELATES TO: KRS 241.060

STATUTORY AUTHORITY: KRS 241.060(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 241.060(1) authorizes the Alcoholic Beverage Control Board to promulgate administrative regulations regarding control of the trafficking of alcoholic beverages. This administrative regulation repeals 804 KAR 5:030 and 804 KAR 5:050 because they are duplicative of KRS statutes and are therefore unnecessary.

Section 1. The following administrative regulations are hereby repealed:

- (1) 804 KAR 5:030, Personnel prohibitions; and
- (2) 804 KAR 5:050, Gambling stamps.

K. GAIL RUSSELL, Deputy Secretary, Acting Commissioner
TRINA N. SUMMERS, Distilled Spirits Administrator

APPROVED BY AGENCY: August 15, 2016

FILED WITH LRC: August 15, 2016 at noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 23, 2016 at 1:00 pm Eastern Time at the Kentucky Department of Alcoholic Beverage Control, 1003 Twilight Trail,

Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this Department in writing at least five working 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 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. Written comments shall be accepted through the end of the day on September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Melissa McQueen, Staff Attorney, Department of Alcoholic Beverage Control, 1003 Twilight Trail, Frankfort, Kentucky 40601, phone (502) 782-7906, fax (502) 564-7479, email Melissa.McQueen@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Melissa McQueen

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation repeals 804 KAR 5:030 and 804 KAR 5:050.

(b) The necessity of this administrative regulation: The existing regulations listed above duplicate various KRS statutes and are therefore unnecessary. This administrative regulation repeals those administrative regulations.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 241.060(1) authorizes the board to promulgate administrative regulations. Information in the regulations being repealed is contained in statute.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The repeal of these administrative regulations will eliminate duplicative references to statutes and will promote a better, clearer, and less repetitive regulatory scheme.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: Not applicable

(b) The necessity of the amendment to this administrative regulation: Not applicable

(c) How the amendment conforms to the content of the authorizing statutes: Not applicable

(d) How the amendment will assist in the effective administration of the statutes: Not applicable

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Department of Alcoholic Beverage Control is impacted by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Because this regulation repeals unnecessary regulations, ABC will not be required to take any additional action.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no cost to repeal these administrative regulations.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There is no financial benefit to repeal these administrative regulations.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No cost.

(b) On a continuing basis: No cost.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding is needed to implement and enforce the repeal of these administrative regulations.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: There is no anticipated increase in fees or funding necessary to repeal these administrative regulations.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increased any fees: This administrative regulation repealer does not directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? No tiering is applied because this regulation repeals earlier regulations and applies equally to all regulated entities.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments or school districts) will be impacted by this administrative regulation? The Department of Alcoholic Beverage Control is impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 241.060(1) authorizes the board to promulgate administrative regulations.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated by this administrative regulation.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated by this administrative regulation.

(c) How much will it cost to administer this program for the first year? There are no costs expected to repeal these administrative regulations.

(d) How much will it cost to administer this program for subsequent years? There are no costs expected to repeal these administrative regulations.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation:

Revenues (+/-):

Expenditures (+/-):

Other Explanation: Additional costs to administer these regulatory changes at the local government level for this year or subsequent years should be minimal or none.

PUBLIC PROTECTION CABINET Department of Alcoholic Beverage Control (Repealer)

804 KAR 7:051. Repeal of 804 KAR 7:050.

RELATES TO: KRS 241.060

STATUTORY AUTHORITY: KRS 241.060(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 241.060(1) authorizes the Alcoholic Beverage Control Board to promulgate administrative regulations regarding control of the trafficking of alcoholic beverages. This administrative regulation repeals 804 KAR 7:050 because it is duplicative of KRS statutes and is therefore unnecessary.

Section 1. 804 KAR 7:050, Display of license number, is

hereby repealed.

K. GAIL RUSSELL, Deputy Secretary, Acting Commissioner

TRINA N. SUMMERS, Distilled Spirits Administrator

APPROVED BY AGENCY: August 15, 2016

FILED WITH LRC: August 15, 2016 at noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 23, 2016 at 1:00 pm Eastern Time at the Kentucky Department of Alcoholic Beverage Control, 1003 Twilight Trail, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this Department in writing at least five working 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 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. Written comments shall be accepted through the end of the day on September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Melissa McQueen, Staff Attorney, Department of Alcoholic Beverage Control, 1003 Twilight Trail, Frankfort, Kentucky 40601, phone (502) 782-7906, fax (502) 564-7479, email Melissa.McQueen@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Melissa McQueen

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation repeals 804 KAR 7:050.

(b) The necessity of this administrative regulation: The existing regulation duplicates KRS statutes and is therefore unnecessary. This administrative regulation repeals that administrative regulation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 241.060(1) authorizes the board to promulgate administrative regulations. Information in the regulation being repealed is contained in statute.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The repeal of this administrative regulation will eliminate duplicative references to statute and will promote a better, clearer, and less repetitive regulatory scheme.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: Not applicable

(b) The necessity of the amendment to this administrative regulation: Not applicable

(c) How the amendment conforms to the content of the authorizing statutes: Not applicable

(d) How the amendment will assist in the effective administration of the statutes: Not applicable

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Department of Alcoholic Beverage Control is impacted by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Because this regulation repeals an unnecessary regulation, ABC will not be required to take any additional action.

(b) In complying with this administrative regulation or

amendment, how much will it cost each of the entities identified in question (3): There is no cost to repeal this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There is no financial benefit to repeal this administrative regulation.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No cost.

(b) On a continuing basis: No cost.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding is needed to implement and enforce the repeal of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: There is no anticipated increase in fees or funding necessary to repeal this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increased any fees: This administrative regulation repealer does not directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? No tiering is applied because this regulation repeals an earlier regulation and applies equally to all regulated entities.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments or school districts) will be impacted by this administrative regulation? The Department of Alcoholic Beverage Control is impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 241.060(1) authorizes the board to promulgate administrative regulations.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated by this administrative regulation.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated by this administrative regulation.

(c) How much will it cost to administer this program for the first year? There are no costs expected to repeal this administrative regulation.

(d) How much will it cost to administer this program for subsequent years? There are no costs expected to repeal this administrative regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation:

Revenues (+/-):

Expenditures (+/-):

Other Explanation: Additional costs to administer this regulatory change at the local government level for this year or subsequent years should be minimal or none.

PUBLIC PROTECTION CABINET Department of Alcoholic Beverage Control (Repealer)

804 KAR 8:041. Repeal of 804 KAR 8:040 and 804 KAR 8:060.

RELATES TO: KRS 241.060

STATUTORY AUTHORITY: KRS 241.060(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 241.060(1) authorizes the Alcoholic Beverage Control Board to promulgate administrative regulations regarding control of the trafficking of alcoholic beverages. This administrative regulation repeals 804 KAR 8:040 and 804 KAR 8:060 because they are duplicative of KRS statutes and are therefore unnecessary.

Section 1. The following administrative regulations are hereby repealed:

(1) 804 KAR 8:040, From nearest depot by retail licensee; and

(2) 804 KAR 8:060, Persons not eligible to be licensed.

K. GAIL RUSSELL, Deputy Secretary, Acting Commissioner

TRINA N. SUMMERS, Distilled Spirits Administrator/Member

APPROVED BY AGENCY: August 15, 2016

FILED WITH LRC: August 15, 2016 at noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 23, 2016 at 1:00 pm Eastern Time at the Kentucky Department of Alcoholic Beverage Control, 1003 Twilight Trail, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this Department in writing at least five working 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 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. Written comments shall be accepted through the end of the day on September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Melissa McQueen, Staff Attorney, Department of Alcoholic Beverage Control, 1003 Twilight Trail, Frankfort, Kentucky 40601, phone (502) 782-7906, fax (502) 564-7479, email Melissa.McQueen@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Melissa McQueen

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation repeals 804 KAR 8:040 and 804 KAR 8:060.

(b) The necessity of this administrative regulation: The existing regulations listed above duplicate various KRS statutes and are therefore unnecessary. This administrative regulation repeals those administrative regulations.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 241.060(1) authorizes the board to promulgate administrative regulations. Information in the regulations being repealed is contained in statute.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The repeal of these administrative regulations will eliminate duplicative references to statutes and will promote a better, clearer, and less repetitive regulatory scheme.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: Not applicable

(b) The necessity of the amendment to this administrative

regulation: Not applicable

(c) How the amendment conforms to the content of the authorizing statutes: Not applicable

(d) How the amendment will assist in the effective administration of the statutes: Not applicable

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Department of Alcoholic Beverage Control is impacted by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Because this regulation repeals unnecessary regulations, ABC will not be required to take any additional action.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no cost to repeal these administrative regulations.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There is no financial benefit to repeal these administrative regulations.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No cost.

(b) On a continuing basis: No cost.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding is needed to implement and enforce the repeal of these administrative regulations.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: There is no anticipated increase in fees or funding necessary to repeal these administrative regulations.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increased any fees: This administrative regulation repealer does not directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? No tiering is applied because this regulation repeals earlier regulations and applies equally to all regulated entities.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments or school districts) will be impacted by this administrative regulation? The Department of Alcoholic Beverage Control is impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 241.060(1) authorizes the board to promulgate administrative regulations.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated by this administrative regulation.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated by this administrative regulation.

(c) How much will it cost to administer this program for the first year? There are no costs expected to repeal these administrative regulations.

(d) How much will it cost to administer this program for subsequent years? There are no costs expected to repeal these administrative regulations.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation:

Revenues (+/-):

Expenditures (+/-):

Other Explanation: Additional costs to administer these regulatory changes at the local government level for this year or subsequent years should be minimal or none.

PUBLIC PROTECTION CABINET Department of Alcoholic Beverage Control (Repealer)

804 KAR 9:021. Repeal of 804 KAR 9:020 and 804 KAR 9:030.

RELATES TO: KRS 241.060

STATUTORY AUTHORITY: KRS 241.060(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 241.060(1) authorizes the Alcoholic Beverage Control Board to promulgate administrative regulations regarding control of the trafficking of alcoholic beverages. This administrative regulation repeals 804 KAR 9:020 and 804 KAR 9:030 because they are duplicative of KRS statutes and are therefore unnecessary.

Section 1. The following administrative regulations are hereby repealed:

- (1) 804 KAR 9:020, Wholesale liquor license limit; and
- (2) 804 KAR 9:030, Beer distributor license limit.

K. GAIL RUSSELL, Deputy Secretary, Acting Commissioner
TRINA N. SUMMERS, Distilled Spirits Administrator/Member
APPROVED BY AGENCY: August 15, 2016

FILED WITH LRC: August 15, 2016 at noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 23, 2016 at 1:00 pm Eastern Time at the Kentucky Department of Alcoholic Beverage Control, 1003 Twilight Trail, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this Department in writing at least five working 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 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. Written comments shall be accepted through the end of the day on September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Melissa McQueen, Staff Attorney, Department of Alcoholic Beverage Control, 1003 Twilight Trail, Frankfort, Kentucky 40601, phone (502) 782-7906, fax (502) 564-7479, email Melissa.McQueen@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Melissa McQueen

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation repeals 804 KAR 9:020 and 804 KAR 9:030.

(b) The necessity of this administrative regulation: The existing regulations listed above duplicate various KRS statutes and are therefore unnecessary. This administrative regulation repeals those administrative regulations.

(c) How this administrative regulation conforms to the content

of the authorizing statutes: KRS 241.060(1) authorizes the board to promulgate administrative regulations. Information in the regulations being repealed is contained in statute.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The repeal of these administrative regulations will eliminate duplicative references to statutes and will promote a better, clearer, and less repetitive regulatory scheme.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: Not applicable

(b) The necessity of the amendment to this administrative regulation: Not applicable

(c) How the amendment conforms to the content of the authorizing statutes: Not applicable

(d) How the amendment will assist in the effective administration of the statutes: Not applicable

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Department of Alcoholic Beverage Control is impacted by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Because this regulation repeals unnecessary regulations, ABC will not be required to take any additional action.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no cost to repeal these administrative regulations.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There is no financial benefit to repeal these administrative regulations.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No cost.

(b) On a continuing basis: No cost.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding is needed to implement and enforce the repeal of these administrative regulations.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: There is no anticipated increase in fees or funding necessary to repeal these administrative regulations.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increased any fees: This administrative regulation repealer does not directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? No tiering is applied because this regulation repeals earlier regulations and applies equally to all regulated entities.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments or school districts) will be impacted by this administrative regulation? The Department of Alcoholic Beverage Control is impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 241.060(1) authorizes the board to promulgate administrative regulations.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for

the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated by this administrative regulation.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated by this administrative regulation.

(c) How much will it cost to administer this program for the first year? There are no costs expected to repeal these administrative regulations.

(d) How much will it cost to administer this program for subsequent years? There are no costs expected to repeal these administrative regulations.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation:

Revenues (+/-):

Expenditures (+/-):

Other Explanation: Additional costs to administer these regulatory changes at the local government level for this year or subsequent years should be minimal or none.

PUBLIC PROTECTION CABINET Department of Alcoholic Beverage Control (Repealer)

804 KAR 11:021. Repeal of 804 KAR 11:020.

RELATES TO: KRS 241.060

STATUTORY AUTHORITY: KRS 241.060(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 241.060(1) authorizes the Alcoholic Beverage Control Board to promulgate administrative regulations regarding control of the trafficking of alcoholic beverages. This administrative regulation repeals 804 KAR 11:020 because it is duplicative of KRS statutes and is therefore unnecessary.

Section 1. 804 KAR 11:020, Container charge or deposit, is hereby repealed.

K. GAIL RUSSELL, Deputy Secretary Acting Commissioner
TRINA N. SUMMERS, Distilled Spirits Administrator/Member

APPROVED BY AGENCY: August 15, 2016

FILED WITH LRC: August 15, 2016 at noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 23, 2016 at 1:00 pm Eastern Time at the Kentucky Department of Alcoholic Beverage Control, 1003 Twilight Trail, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this Department in writing at least five working 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 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. Written comments shall be accepted through the end of the day on September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Melissa McQueen, Staff Attorney,
Department of Alcoholic Beverage Control, 1003 Twilight Trail,
Frankfort, Kentucky 40601, phone (502) 782-7906, fax (502) 564-7479, email Melissa.McQueen@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Melissa McQueen

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation repeals 804 KAR 11:020.

(b) The necessity of this administrative regulation: The existing regulation duplicates KRS statutes and is therefore unnecessary. This administrative regulation repeals that administrative regulation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 241.060(1) authorizes the board to promulgate administrative regulations. Information in the regulation being repealed is contained in statute.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The repeal of this administrative regulation will eliminate duplicative references to statute and will promote a better, clearer, and less repetitive regulatory scheme.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: Not applicable

(b) The necessity of the amendment to this administrative regulation: Not applicable

(c) How the amendment conforms to the content of the authorizing statutes: Not applicable

(d) How the amendment will assist in the effective administration of the statutes: Not applicable

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Department of Alcoholic Beverage Control is impacted by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Because this regulation repeals an unnecessary regulation, ABC will not be required to take any additional action.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no cost to repeal this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There is no financial benefit to repeal this administrative regulation.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No cost.

(b) On a continuing basis: No cost.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding is needed to implement and enforce the repeal of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: There is no anticipated increase in fees or funding necessary to repeal this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increased any fees: This administrative regulation repealer does not directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? No tiering is applied because this regulation repeals an earlier regulation and applies equally to all regulated entities.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments or school districts) will be impacted by this administrative regulation? The Department of Alcoholic Beverage Control is impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 241.060(1) authorizes the board to promulgate administrative regulations.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated by this administrative regulation.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated by this administrative regulation.

(c) How much will it cost to administer this program for the first year? There are no costs expected to repeal this administrative regulation.

(d) How much will it cost to administer this program for subsequent years? There are no costs expected to repeal this administrative regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation:

Revenues (+/-):

Expenditures (+/-):

Other Explanation: Additional costs to administer this regulatory change at the local government level for this year or subsequent years should be minimal or none.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of August 4, 2016

Members: Senators Julie Raque-Adams, Perry Clark, Alice Forgy Kerr, Ernie Harris; and Representatives Linda Belcher, Mary Lou Marzian and Tommy Turner.

LRC Staff: Sarah Amburgey, Ange Bertholf, Emily Caudill, Betsy Cupp, Emily Harkenrider, Karen Howard, Carrie Klaber, and Donna Little.

Guests: Kara Daniel, John Schaaf, Legislative Ethics Commission; Kathryn Gabhart, Jenny May, Executive Branch Ethics Commission; Larry Brown, John Marcus Jones, Office of Occupations and Professions; Florence Huffman, Board of Social Work; Allan Allday, Ryan Halloran, Board of Applied Behavior Analysis; Sean Alteri, Division of Air Quality; Amy Barker, Department of Corrections.; Michael Kurtsinger, Ann-Tyler Morgan, Fire Commission; Thomas Dockter, Lucretia Johnson, Pam Knight, Dwight Lovan, Charles Lowther, Robert Milligan, Michael Nemes, Brooken Smith, Labor Cabinet; Jamie Eads, Marc Guilfoil, Horse Racing Commission; Elizabeth Caywood, Department for Community Based Services; Bill Londrigan, Ched Jennings, and Tim Wilson.

The Administrative Regulation Review Subcommittee met on Thursday, August 4, 2016, and submits this report:

Administrative Regulations Reviewed by the Subcommittee:

GENERAL ASSEMBLY: Legislative Ethics Commission: Commission

2 KAR 2:010. Required forms. Kara Daniel, attorney, and John Schaaf, executive director, represented the commission.

2 KAR 2:020. Statement of financial disclosure.

In response to a question by Co-Chair Marzian, Ms. Daniel stated that the financial disclosure form was amended to require disclosure of fiduciary positions held by the filer only, not by the filer's spouse. This was done for consistency with the authorizing statutes. Mr. Schaaf stated that the authorizing statutes did not require a spouse to disclose fiduciary positions.

A motion was made and seconded to approve the following amendment: to amend the RELATES TO paragraph to add a citation. Without objection, and with agreement of the agency, the amendment was approved.

2 KAR 2:040. Updated registration short forms for employers and legislative agents.

A motion was made and seconded to approve the following amendment: to amend the RELATES TO paragraph to add a citation. Without objection, and with agreement of the agency, the amendment was approved.

2 KAR 2:050. Preliminary inquiries.

In response to a question by Co-Chair Harris, Ms. Daniel stated that this administrative regulation was new and established preliminary inquiry procedures to address complaints of alleged Code of Legislative Ethics violations. The preliminary inquiry procedures were commensurate with the authorizing statute and with the commission's historical process.

A motion was made and seconded to approve the following amendment: to amend the RELATES TO paragraph to add a citation. Without objection, and with agreement of the agency, the amendment was approved.

2 KAR 2:060. Adjudicatory hearings.

A motion was made and seconded to approve the following amendment: to amend the RELATES TO paragraph to add a citation. Without objection, and with agreement of the agency, the amendment was approved.

2 KAR 2:070. Advisory opinions.

FINANCE AND ADMINISTRATION CABINET: Executive Branch Ethics Commission: Commission

9 KAR 1:040 & E. Registration and expenditure statements; financial transactions and termination forms; and enforcement. Kathryn Gabhart, executive director, and Jenny May, administrative assistant, represented the commission.

A motion was made and seconded to approve the following amendments: (1) to amend the STATUTORY AUTHORITY paragraph to correct a citation; (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; (3) to amend Section 4 to establish the types of circumstances that qualified for exoneration or reduction of a fine for late filing of an updated registration statement; and (4) to amend Sections 2 and 4 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

PUBLIC PROTECTION CABINET: Office of Occupations and Professions: Athlete Agents

200 KAR 30:010. Definitions for 200 KAR Chapter 30. Larry Brown, executive director, and John Marcus Jones, assistant attorney general, represented the office.

Mr. Brown stated that his office had thoroughly reviewed all of the statutes, administrative regulations, and forms related to athlete agents. These administrative regulations were being amended to comply with the office's current statutory authority.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

200 KAR 30:020. Complaint review.

A motion was made and seconded to approve the following amendments: (1) to amend the STATUTORY AUTHORITY paragraph to correct citations; (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; (3) to amend Sections 2 and 3 to comply with current statutory provisions; and (4) to amend Sections 1 and 4 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

200 KAR 30:030. Procedure for registration.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO and STATUTORY AUTHORITY paragraphs to correct citations; (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; and (3) to add a new Section 2 to establish the requirement for submitting an Application for Renewal of Registration as an Athlete Agent. Without objection, and with agreement of the agency, the amendments were approved.

200 KAR 30:040. Fees.

A motion was made and seconded to approve the following amendment: to delete Section 2, which did not seem authorized by statute. Without objection, and with agreement of the agency, the amendment was approved.

200 KAR 30:051. Repeal of 200 KAR 30:050 and 200 KAR 30:060.

GENERAL GOVERNMENT CABINET: Board of Social Work: Board

201 KAR 23:055. Inactive status of license. Florence Huffman, executive director, represented the board.

Ms. Huffman thanked Subcommittee Staff, especially Donna Little and Carrie Klaber, for assistance with this administrative regulation.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1, 2, and 4 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Kentucky Applied Behavior Analysis Licensing Board: Board

201 KAR 43:110. Per Diem. Allan Allday, board member, and Ryan Halloran, assistant attorney general, represented the board.

In response to a question by Co-Chair Harris, Mr. Halloran stated that the fiscal impact submitted for this administrative regulation was erroneous. The board's total expenses were \$129,000, but the impact of this administrative regulation was \$8,400.

ENERGY AND ENVIRONMENT CABINET: Department of Environmental Protection: Division of Air Quality: Attainment and Maintenance of the National Ambient Air Quality Standards

401 KAR 51:010. Attainment status designations. Sean Alteri, division director, represented the division.

In response to questions by Co-Chair Harris, Mr. Alteri stated that this administrative regulation established the designation of boundaries relative to the new and revised standards for primary and secondary ambient air quality standards. The only areas that may be out of attainment for the 2015 ozone standard were the Louisville and Northern Kentucky areas, and those areas were very familiar with the control strategies necessary to regain attainment status. Not all areas were in attainment for all pollutants, but air quality in Kentucky continued to improve.

In response to questions by Representative Belcher, Mr. Alteri stated that, if an area was designated nonattainment, an appropriate control strategy would be determined. Failure to comply may result in restrictions on specific pollutant source categories or processes. A key component in regaining attainment status was the permitting process, which included offset reductions from existing facilities. Area growth or new projects may be impacted.

A motion was made and seconded to approve the following amendments: to amend Sections 2, 4, 5, 8, 9, and 10 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

JUSTICE AND PUBLIC SAFETY CABINET: Department of Corrections: Office of the Secretary

501 KAR 6:110. Roederer Correctional Complex. Amy Barker, assistant general counsel, represented the department.

In response to a question by Co-Chair Harris, Ms. Barker stated that this policy revision was the annual policy update for the Roederer Correctional Complex.

A motion was made and seconded to approve the following amendments: to amend Section 1 to revise policies RCC 09-29-01, 09-31-01, 13-13-01, 16-01-02, 16-03-01, 17-01-02, and 26-01-01: (1) for clarity and consistency; (2) to update citations; and (3) to make minor technical corrections. Without objection, and with agreement of the agency, the amendments were approved.

501 KAR 6:160. Correctional Industries.

COMMUNITY AND TECHNICAL COLLEGE SYSTEM: Fire Commission: Commission on Fire Protection Personnel Standards and Education

739 KAR 2:140. Volunteer fire department reporting requirements. Michael Kurtsinger, division director, and Anne – Tyler Morgan, attorney, represented the commission.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO; STATUTORY AUTHORITY; and NECESSITY, FUNCTION, AND CONFORMITY

paragraphs to correct citations; (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1, 2, and 4 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (3) to amend Section 4 to reference the July 15, 2016 compliance deadline established in KRS 95A.055(7), in order to clarify that the requirements were not transitional, but a permanent regulatory device. Without objection, and with agreement of the agency, the amendments were approved.

LABOR CABINET: Department of Workers' Claims: Department

803 KAR 25:010. Procedure for adjustments of claims. Dwight Lovan, commissioner; Michael Nemes, deputy secretary; and Brooken Smith, chief of staff, represented the department. Bill Londrigan, president, AFL – CIO, and Ched Jennings, attorney for injured workers, appeared in opposition to 803 KAR 25:010. Tim Wilson, attorney, appeared in support of 803 KAR 25:010.

Mr. Lovan stated that this administrative regulation established procedures in accordance with KRS Chapter 342 for processing workers' compensation claims related to litigation. The department was responsible for balancing the rights of injured workers with the rights of employers. This administrative regulation established provisions for the use of an online, electronic Litigation Management System (LMS). LMS would save both the department and stakeholders money because LMS would reduce paper, copying, and postage costs. Claims would be processed more quickly. To effectively use LMS, training was taking place at various locations across Kentucky. The department made accommodations for electronic signatures and created a new method for determining when a document was received. Forms were revised for compatibility with LMS.

Mr. Jennings stated that he had represented injured workers for the last forty (40) years. Changing workers' claims processing to an electronic format was important; however, efficiency and accuracy were still crucial. LMS had not been adequately tested outside of the cabinet. Injured workers should be able to use LMS without an attorney; however, the system was extremely difficult for nonattorneys to use. There were access concerns regarding worker injury attorneys, especially in rural areas of Kentucky. Of particular concern was the complexity of the forms required for LMS. A nonattorney would have great difficulty completing LMS forms.

Mr. Jennings requested three (3) amendments to this administrative regulation. He requested that, during interlocutory relief determinations, once a judge was assigned to a case, that judge should not be subject to change during the adjudication process. This would reduce delays and discourage judge shopping. The second amendment Mr. Jennings requested pertained to safety violations. If it was determined that an employer committed a safety violation, the injured worker would be compensated thirty (30) percent more. If it was determined that the employee committed a safety violation, the injured worker's compensation would be reduced by fifteen (15) percent. Both the injured worker and the employer were required to identify the specific safety violation that resulted in the injury. It was very difficult for an injured worker to determine the specific safety violation; therefore, that requirement for specificity should be deleted. The third amendment would reduce the maximum number of days for processing a compensation payment. Because LMS should expedite the claims process, the maximum number of days for issuing a payment should be fourteen (14) days. A penalty was not established in this administrative regulation if the payment did not meet the deadline.

Mr. Londrigan stated that the AFL – CIO concurred with the comments made by Mr. Jennings. AFL – CIO's main concern was transparency and the difficulty of using LMS for the claims process.

In response to questions by Co-Chair Marzian, Mr. Jennings stated that over the last decade workers' claims premiums were reduced by approximately fifty (50) percent. Another rate reduction was expected soon. Some premiums had been refunded. The workers' claims fund was not related to the general fund or tax dollars. Employers have financially benefitted to the detriment of injured workers. Mr. Londrigan stated that he hand delivered a

comment letter to the department on April 29 and did not receive a response. Mr. Jennings stated that the Statement of Consideration did not address Mr. Londrigan's comment letter.

Co-Chair Marzian stated that 1990s' reforms to workers' compensation laws made it difficult for injured workers to receive compensation and to find injury attorneys to represent them. The legislation capped workers' injury claims attorneys' fees. This administrative regulation seemed to require a lot of forms. The fourteen (14) day deadline seemed reasonable. It seemed prudent during interlocutory adjudication to maintain the same judge, who would already be familiar with the facts of the case. Co-Chair Marzian stated that it was her hope that the department would consider the three (3) amendments suggested by Mr. Jennings and Mr. Londrigan.

Mr. Wilson stated that the forms were simpler with LMS than the previous forms. Nonattorneys could complete the forms. The deadline for claims payments was sufficient. Only three (3) people attended the public hearing, and there were only ten (10) written comments. Workers' claims was a delicately balanced system.

In response to questions by Representative Belcher, Mr. Jennings stated that a claim could still be filed outside of the LMS system, but the claim would then be on a two (2) tier system, which may create problems. Most injury clients used a smartphone, rather than corresponding by email. Mr. Wilson stated that the department had claims specialists, who could assist injured workers with understanding LMS forms. Injured workers filing without an attorney were required to be held to the same standards as attorneys. Statistically, self-representing injured worker cases resulted in poor outcomes. The department attempted to facilitate injured workers without attorneys in the past, but that system failed. Many injury attorneys did not require payment until compensation was awarded. Mr. Jennings stated that a claims specialist was prohibited from completing forms for the claimant and had restrictions regarding how much assistance could be offered. Mr. Londrigan stated that the lack of attorneys available to assist these injured workers was underestimated, especially in rural areas.

Representative Belcher stated that she had concerns regarding injured workers without access to attorneys or computers. These injured citizens were already under stress, and the claims system should be made easier for self-representing injured workers. Mr. Nemes stated that the department was considering legislation to make the process easier for self-representing injured workers. Senator Kerr stated that she was, with Representative Chris Harris, co-chairing a task force that included workers' compensation stakeholders. The task force was meeting August 19, 2016, at 10 a.m. in Room 131 of the Capitol Annex and would consider many of the issues relevant to this administrative regulation.

In response to a question by Senator Kerr, Mr. Lovan stated that LMS was tested extensively. Because of firewalls, not everyone was able to test LMS before it went live. Information required on LMS forms was not substantively different than that required on the previous forms, but the format had changed. The interlocutory process was developed specifically to provide appropriate relief as quickly as possible. It was not practical to require a single judge to adjudicate the entire process because these types of judges traveled throughout the state. From a scheduling standpoint, requiring a single judge may significantly increase the amount of time for the injured worker to receive interlocutory relief. The process was designed to discourage judge shopping. Regarding the concern about the requirement that an employee establish the specific safety violation, case law established the need for the proof of specificity. Pertaining to the maximum deadline for issuing a compensation payment, the authorizing statutes were silent regarding this matter. The initial deadline proposal was for thirty (30) days; however, public comments on the deadline were received and in response to those comments the deadline was revised to twenty-one (21) days. Parties could agree to arrange the issuance of a payment earlier. Mr. Lovan stated that he personally accepted Mr. Londrigan's comment letter. Mr. Lovan thought that the comments from the letter had been addressed in the Statement of Consideration, but if

they were not, it was inadvertent. Mr. Nemes stated that the interlocutory process established in this administrative regulation gave the department the flexibility to change judges during adjudication if necessary to expedite the process to provide faster relief to an injured worker.

In response to a question by Co-Chair Harris, Mr. Lovan declined to agree to the three (3) amendments requested by Mr. Jennings and Mr. Londrigan.

Co-Chair Harris stated that this was not a partisan issue. This was a complex issue with many variables.

Senator Clark stated that this was not a partisan issue, but an issue of a new system. A new system often had flaws that would be corrected. Once the flaws in this system were addressed and training was completed, Senator Clark expected this to be a good system.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO paragraph to correct citations; (2) to amend Sections 5, 7, 10, and 30 to incorporate by reference required forms; (3) to amend Section 12 to authorize the use of telephonic or video hearings if the parties agree or demonstrate good cause; and (4) to amend Sections 1, 3, 4, 7, 8, 10, 12, 14, 19, 20, 25, and 30 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

803 KAR 25:014. Repeal of 803 KAR 25:009.

Mr. Lovan stated that 803 KAR 25:009 was being repealed because the Supreme Court found the portion of the statute that authorized 803 KAR 25:009 unconstitutional.

803 KAR 25:089. Workers' compensation medical fee schedule for physicians.

PUBLIC PROTECTION CABINET: Horse Racing Commission: Thoroughbred Racing

810 KAR 1:009. Jockeys and apprentices. Marc Guilfoil, executive director, and Jamie Eads, director, Division of Incentives and Development, represented the commission.

Quarter Horse, Paint Horse, Appaloosa and Arabian Racing

811 KAR 2:190. Kentucky Quarter Horse, Paint Horse, Appaloosa, and Arabian Development Fund.

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Community Based Services: Division of Family Support: Energy Assistance Program/Weatherization

921 KAR 4:119. Repeal of 921 KAR 4:118. Elizabeth Caywood, policy analyst, represented the department.

Division of Protection and Permanency: Adult Services

922 KAR 5:081. Repeal of 922 KAR 5:080.

The following administrative regulations were deferred to the September 13, 2016, meeting of the Subcommittee:

HIGHER EDUCATION ASSISTANCE AUTHORITY: Division of Student and Administrative Services: Kentucky Educational Excellence Scholarship Program

11 KAR 15:090. Kentucky Educational Excellence Scholarship (KEES) program.

GENERAL GOVERNMENT CABINET: Board of Licensure for Marriage and Family Therapists: Board

201 KAR 32:030. Fees.

Board of Licensed Diabetes Educators: Board

201 KAR 45:110. Supervision and work experience.

TRANSPORTATION CABINET: Division of Driver Licensing: Administration

601 KAR 2:030 & E. Ignition interlock.

VOLUME 43, NUMBER 3 – SEPTEMBER 1, 2016

**EDUCATION AND WORKFORCE DEVELOPMENT CABINET:
Board of Education: Department of Education: Learning
Results Services**

703 KAR 4:041. Repeal of 703 KAR 4:040.

Office of Instruction

704 KAR 3:342. Repeal of 704 KAR 3:340.

**LABOR CABINET: Department of Workplace Standards:
Division of Occupational Safety and Health Compliance:
Division of Occupational Safety and Health Education and
Training: Occupational Safety and Health**

803 KAR 2:412. Fall protection.

**PUBLIC PROTECTION CABINET: Department of Financial
Institutions: Division of Non-Depository Institutions: Mortgage
Loan Companies and Mortgage Loan Brokers**

808 KAR 12:021. Licensing and registration.

808 KAR 12:055. Uniform standards for mortgage loan
processor applicant employee background checks.

**The Subcommittee adjourned at 12:25 p.m. until September
13, 2016, at 1 p.m.**

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 HEALTH AND WELFARE
June 15, 2016**

The following administrative regulations were available for consideration and placed on the agenda of the Interim Joint Committee on Health and Welfare for its meeting of June 15, 2016, having been referred to the Committee on June 1, 2016, pursuant to KRS 13A.290(6):

201 KAR 20:240
201 KAR 23:070

The following administrative regulations were found to be deficient pursuant to KRS 13A.290(7) and 13A.030(2):

None

The Committee rationale for each finding of deficiency is attached to and made a part of this memorandum.

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320:

None

The wording of the amendment of each such administrative regulation is attached to and made a part of this memorandum.

The following administrative regulations were deferred pursuant to KRS 13A.300:

None

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the June 15, 2016 meeting, which are hereby incorporated by reference.

**INTERIM JOINT COMMITTEE ON TRANSPORTATION
Meeting of August 2, 2016**

The following administrative regulations were available for consideration and placed on the agenda of the Interim Joint Committee on Transportation for its meeting of 08/01/16, having been referred to the Committee on 07/06/16, pursuant to KRS 13A.290(6):

600 KAR 1:031
600 KAR 2:011
601 KAR 1:032
601 KAR 9:056
601 KAR 15:030

The following administrative regulations were found to be deficient pursuant to KRS 13A.290(7) and 13A.030(2):

None

The Committee rationale for each finding of deficiency is attached to and made a part of this memorandum.

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320:

None

The wording of the amendment of each such administrative regulation is attached to and made a part of this memorandum.

The following administrative regulations were deferred pursuant to KRS 13A.300:

None

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the 08/02/16 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

INTERIM JOINT COMMITTEE ON HEALTH AND WELFARE
Meeting of August 17, 2016

The following administrative regulations were available for consideration and placed on the agenda of the Interim Joint Committee on Health and Welfare for its meeting of August 17, 2016, having been referred to the Committee on August 3, 2016, pursuant to KRS 13A.290(6):

201 KAR 9:250
201 KAR 29:015
201 KAR 46:020
201 KAR 46:070
902 KAR 4:120
902 KAR 100:030
902 KAR 100:080
902 KAR 100:085
921 KAR 3:035 & E
922 KAR 1:320 & E
922 KAR 2:020 & E
922 KAR 2:160 & E
922 KAR 2:260 & E

The following administrative regulations were found to be deficient pursuant to KRS 13A.290(7) and 13A.030(2):

None

The Committee rationale for each finding of deficiency is attached to and made a part of this memorandum.

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320:

None

The wording of the amendment of each such administrative regulation is attached to and made a part of this memorandum.

The following administrative regulations were deferred pursuant to KRS 13A.300:

None

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the August 17, 2016 meeting, which are hereby incorporated by reference.

CUMULATIVE SUPPLEMENT

Locator Index - Effective Dates

C - 2

The Locator Index lists all administrative regulations published in VOLUME 43 of the *Administrative Register of Kentucky* from July 2016 through June 2017. It also lists the page number on which each administrative regulation is published, the effective date of the administrative regulation after it has completed the review process, and other action that may affect the administrative regulation. NOTE: The administrative regulations listed under VOLUME 42 are those administrative regulations that were originally published in VOLUME 42 (last year's) issues of the *Administrative Register of Kentucky* but had not yet gone into effect when the 2016 *Kentucky Administrative Regulations Service* was published.

KRS Index

C - 7

The KRS Index is a cross-reference of statutes to which administrative regulations relate. These statute numbers are derived from the RELATES TO line of each administrative regulation submitted for publication in VOLUME 43 of the *Administrative Register of Kentucky*.

Technical Amendment Index

C - 12

The Technical Amendment Index is a list of administrative regulations that have had technical, nonsubstantive amendments entered since being published in the 2016 *Kentucky Administrative Regulations Service*. These technical changes have been made by the Regulations Compiler pursuant to KRS 13A.040(9) and (10), 13A.2255(2), 13A.312(2), or 13A.320(1)(d). Since these changes were not substantive in nature, administrative regulations appearing in this index will NOT be published in the *Administrative Register of Kentucky*.

Subject Index

C - 14

The Subject Index is a general index of administrative regulations published in VOLUME 43 of the *Administrative Register of Kentucky*, and is mainly broken down by agency.

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	42 Ky.R. Page No.	Effective Date	Regulation Number	42 Ky.R. Page No.	Effective Date
VOLUME 42					
The administrative regulations listed under VOLUME 42 are those administrative regulations that were originally published in Volume 42 (last year's) issues of the <i>Administrative Register of Kentucky</i> but had not yet gone into effect when the <i>2016 Kentucky Administrative Regulations Service</i> was published.					
SYMBOL KEY:			201 KAR 13:040		
* Statement of Consideration not filed by deadline			Amended	2621	
** Withdrawn before being printed in Register			AmComments	2906	See 43 Ky.R.
**** Emergency expired after 180 days			201 KAR 13:050		
‡ Withdrawn deferred more than twelve months (KRS 13A.300(4) and 13A.315(1)(d))			Amended	2624	See 43 Ky.R.
(r) Repealer regulation: KRS 13A.310-on the effective date of an administrative regulation that repeals another, the regulations compiler shall delete the repealed administrative regulation and the repealing administrative regulation.			201 KAR 14:015		
			Amended	2920	See 43 Ky.R.
			201 KAR 14:030		
			Amended	2922	See 43 Ky.R.
			201 KAR 14:045		
			Amended	2923	See 43 Ky.R.
			201 KAR 14:090		
			Amended	2924	See 43 Ky.R.
			201 KAR 14:110		
			Amended	2926	See 43 Ky.R.
			201 KAR 14:125		
			Amended	2927	See 43 Ky.R.
			201 KAR 14:150		
			Amended	2929	See 43 Ky.R.
			201 KAR 14:180		
			Amended	2930	See 43 Ky.R.
			201 KAR 18:020		
			Amended	2810	8-5-16
			201 KAR 20:240		
			Amended	2626	
			As Amended	2887	6-15-16
			201 KAR 20:520	2684	See 43 Ky.R.
			201 KAR 23:055	2845	See 43 Ky.R.
			201 KAR 23:070		
			Amended	2251	
			AmComments	2591	
			As Amended	2888	6-15-16
			201 KAR 23:075		
			Amended	2812	See 43 Ky.R.
			201 KAR 29:015		
			Amended	2628	See 43 Ky.R.
			201 KAR 32:030		
			Amended	2817	See 43 Ky.R.
			201 KAR 44:021(r)	2685	7-1-16
			201 KAR 46:020		
			Amended	2932	See 43 Ky.R.
			201 KAR 46:070		
			Amended	2933	See 43 Ky.R.
			301 KAR 2:095		
			Amended	2819	8-5-16
			301 KAR 2:122		
			Amended	2820	See 43 Ky.R.
			301 KAR 2:176		
			Amended	2935	See 43 Ky.R.
			301 KAR 2:221		
			Amended	2937	See 43 Ky.R.
			301 KAR 2:222		
			Amended	2940	See 43 Ky.R.
			301 KAR 2:225		
			Amended	2944	See 43 Ky.R.
			301 KAR 2:226		
			Amended	2822	See 43 Ky.R.
			301 KAR 5:040		
			Amended	2947	See 43 Ky.R.
			401 KAR 31:040		
			Amended	2949	See 43 Ky.R.
			401 KAR 51:010		
			Amended	2824	See 43 Ky.R.
			401 KAR 53:010		
			Amended	2830	See 43 Ky.R.
9 KAR 1:040E	2866	5-13-16			
301 KAR 2:221E	1699	11-3-15			
Resubmitted	2868	5-11-16			
301 KAR 2:222E	1701	11-3-15			
Resubmitted	2870	5-11-16			
301 KAR 2:225E	1111	8-21-15			
Resubmitted	2875	5-11-16			
401 KAR 31:040E	2877	4-26-16			
601 KAR 2:030E	1114	9-1-15			
Resubmitted	2702	3-29-16			
921 KAR 3:035E	2708	4-1-16			
922 KAR 1:320E	2530				
922 KAR 2:020E	2534				
922 KAR 2:160E	2540				
922 KAR 2:260E	2550				
ORDINARY ADMINISTRATIVE REGULATIONS:					
9 KAR 1:040					
Amended	2911	See 43 Ky.R.			
11 KAR 4:080					
Amended	2611	7-1-2016			
11 KAR 5:145					
Amended	2612	7-1-2016			
103 KAR 3:050					
Amended	2614				
As Amended	2881	7-1-2016			
200 KAR 30:010					
Amended	2913	See 43 Ky.R.			
200 KAR 30:020					
Amended	2914	See 43 Ky.R.			
200 KAR 30:030					
Amended	2916	See 43 Ky.R.			
200 KAR 30:040					
Amended	2918	See 43 Ky.R.			
200 KAR 30:051	2997				
200 KAR 30:070					
Amended	2919				
Withdrawn		7-29-2016			
201 KAR 9:016					
Amended	2796	7-20-16			
201 KAR 9:025					
Amended	2798	See 43 Ky.R.			
201 KAR 9:081					
Amended	2800	See 43 Ky.R.			
201 KAR 9:240					
Amended	2804	See 43 Ky.R.			
201 KAR 9:250					
Amended	2807	See 43 Ky.R.			

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	42 Ky.R. Page No.	Effective Date	Regulation Number	42 Ky.R. Page No.	Effective Date
501 KAR 6:020			815 KAR 7:120		
Amended	2630	8-5-16	Amended	2650	6-22-16
AmComments	2908	See 43 Ky.R.	815 KAR 7:125		
501 KAR 6:170			Amended	2653	6-22-16
Amended	2632		815 KAR 8:095	2687	
As Amended	2890	7-1-16	As Amended	2897	6-22-16
600 KAR 1:031(r)	2846	8-2-16	815 KAR 20:084	2688	
600 KAR 2:011(r)	2847	8-2-16	As Amended	2898	6-22-16
601 KAR 1:032(r)	2849	8-2-16	815 KAR 20:191		
601 KAR 2:030			Amended	2655	
Amended	2833		As Amended	2899	6-22-16
601 KAR 9:056(r)	2850	8-2-16	815 KAR 20:195		
601 KAR 15:030(r)	2851	8-2-16	Amended	2661	
704 KAR 3:471	2998		As Amended	2904	6-22-16
780 KAR 4:031	2999		902 KAR 4:120		
780 KAR 7:060			Amended	2982	See 43 Ky.R.
Amended	2951	See 43 Ky.R.	902 KAR 100:030		
780 KAR 7:071	3000		Amended	2985	See 43 Ky.R.
803 KAR 2:300			902 KAR 100:080		
Amended	2953		Amended	2990	See 43 Ky.R.
803 KAR 2:307			902 KAR 100:085		
Amended	2955	See 43 Ky.R.	Amended	2993	See 43 Ky.R.
803 KAR 2:308			921 KAR 3:035		
Amended	2957		Amended	2841	See 43 Ky.R.
803 KAR 2:317			922 KAR 1:320		
Amended	2958		Amended	2663	See 43 Ky.R.
803 KAR 2:318			922 KAR 2:020		
Amended	2960		Amended	2668	See 43 Ky.R.
803 KAR 2:320			922 KAR 2:160		
Amended	2962		Amended	2673	See 43 Ky.R.
803 KAR 2:400			922 KAR 2:260	2690	See 43 Ky.R.
Amended	2968	See 43 Ky.R.			
803 KAR 2:403					
Amended	2970				
803 KAR 2:404					
Amended	2972				
803 KAR 2:421					
Amended	2974				
803 KAR 2:425					
Amended	2976				
803 KAR 2:500					
Amended	2978				
803 KAR 25:010					
Amended	2634	See 43 Ky.R.			
803 KAR 25:014	2686				
803 KAR 25:089					
Amended	2980				
804 KAR 4:400					
Amended	2839				
Withdrawn	**	7-13-16			
804 KAR 9:040					
Amended	2648				
808 KAR 9:050	2852	See 43 Ky.R.			
815 KAR 6:010					
Amended	2265				
AmComments	2596				
As Amended	2891	7-1-16			
815 KAR 6:040					
Amended	2269				
As Amended	2894	7-1-16			
815 KAR 6:080					
Amended	2270				
As Amended	2895	7-1-16			
815 KAR 6:090					
Amended	2272				
AmComments	2600				
As Amended	2895	7-1-16			

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	43 Ky.R. Page No.	Effective Date	Regulation Number	43 Ky.R. Page No.	Effective Date
VOLUME 43					
SYMBOL KEY:			AsAmended	393	
* Statement of Consideration not filed by deadline			200 KAR 30:020		See 42 Ky.R.
** Withdrawn before being printed in Register			AsAmended	394	
**** Emergency expired after 180 days			200 KAR 30:030		See 42 Ky.R.
(r) Repealer regulation: KRS 13A.310-on the effective date of an			AsAmended	395	
administrative regulation that repeals another, the regulations			200 KAR 30:040		See 42 Ky.R.
compiler shall delete the repealed administrative regulation and the			AsAmended	395	
repealing administrative regulation.			201 KAR 9:025		See 42 Ky.R.
			AsAmended	12	7-20-16
			201 KAR 9:081		See 42 Ky.R.
			AsAmended	12	7-20-16
			201 KAR 9:240		See 42 Ky.R.
			AsAmended	15	7-20-16
			201 KAR 9:250		See 42 Ky.R.
			AsAmended	192	
			201 KAR 13:040		See 42 Ky.R.
			AsAmended	17	7-20-16
			201 KAR 13:050		See 42 Ky.R.
			AsAmended	19	7-20-16
			201 KAR 14:015		See 42 Ky.R.
			AsAmended	194	
			201 KAR 14:030		See 42 Ky.R.
			AsAmended	195	
			201 KAR 14:045		See 42 Ky.R.
			AsAmended	195	
			201 KAR 14:090		See 42 Ky.R.
			AsAmended	195	
			201 KAR 14:110		See 42 Ky.R.
			AsAmended	196	
			201 KAR 14:125		See 42 Ky.R.
			Amended	269	
			Withdrawn		7-12-16
			201 KAR 14:150		See 42 Ky.R.
			AsAmended	197	
			201 KAR 14:180		See 42 Ky.R.
			AsAmended	198	
			201 KAR 20:411		
			Amended	433	
			201 KAR 20:520		See 42 Ky.R.
			AsAmended	19	7-20-16
			201 KAR 22:045		
			Amended	270	
			201 KAR 23:055		See 42 Ky.R.
			AmComments	234	
			AsAmended	395	
			201 KAR 23:075		See 42 Ky.R.
			AmComments	235	
			Withdrawn		7-29-16
			201 KAR 27:005		
			Amended	273	
			201 KAR 27:007		
			Amended	275	
			201 KAR 27:008		
			Amended	276	
			201 KAR 27:011		
			Amended	280	
			201 KAR 27:012		
			Amended	291	
			201 KAR 27:016		
			Amended	294	
			201 KAR 27:017		
			Amended	304	
			201 KAR 27:020		
			Amended	309	
			201 KAR 27:021		364
			201 KAR 27:036(r)		366
			201 KAR 27:040		
			Amended	311	
103 KAR 15:180E	168	7-13-16			
804 KAR 4:400E	171	7-15-16			
804 KAR 4:410E	172	7-15-16			
804 KAR 11:010E	174	7-15-16			
902 KAR 2:020E	5	6-15-16			
907 KAR 7:010E	176	6-30-16			
907 KAR 7:015E	187	6-30-16			

ORDINARY ADMINISTRATIVE REGULATIONS:					
2 KAR 2:010					
Amended	69				
2 KAR 2:020					
Amended	70				
AsAmended	390				
2 KAR 2:040					
Amended	72				
AsAmended	390				
2 KAR 2:050	145				
AsAmended	391				
2 KAR 2:060	146				
AsAmended	391				
2 KAR 2:070	148				
9 KAR 1:040		See 42 Ky.R.			
AsAmended	392				
11 KAR 15:090					
Amended	73				
12 KAR 1:116					
Amended	428				
12 KAR 1:140					
Amended	429				
12 KAR 1:155					
Amended	431				
30 KAR 7:010					
Amended	250				
40 KAR 2:145	358				
40 KAR 2:150					
Amended	251				
40 KAR 2:250					
Recodified as 40 KAR 2:155		6-30-16			
102 KAR 1:165					
Amended	258				
102 KAR 1:290					
Amended	260				
102 KAR 1:320					
Amended	262				
103 KAR 8:160	360				
103 KAR 15:180					
Amended	266				
200 KAR 5:355	477				
200 KAR 30:010		See 42 Ky.R.			

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	43 Ky.R. Page No.	Effective Date	Regulation Number	43 Ky.R. Page No.	Effective Date
201 KAR 27:105	367		702 KAR 3:171(r)	495	
201 KAR 29:015		See 42 Ky.R.	702 KAR 7:065		
AsAmended	198		Amended	102	
201 KAR 30:030			AmComments	418	
Amended	312		703 KAR 4:041(r)	150	
201 KAR 32:030		See 42 Ky.R.	704 KAR 3:342(r)	152	
AmComments	240		705 KAR 4:231		
201 KAR 43:110	149		Amended	449	
201 KAR 46:020		See 42 Ky.R.	739 KAR 2:040		
AsAmended	199		Amended	327	
201 KAR 46:070		See 42 Ky.R.	739 KAR 2:140	153	
AsAmended	200		AsAmended	403	
202 KAR 7:501			755 KAR 1:080	369	
Amended	78		780 KAR 4:012(r)	496	
202 KAR 7:520			780 KAR 7:060		See 42 Ky.R.
Amended	94		AsAmended	208	
301 KAR 1:015			803 KAR 2:180		
Amended	315		Amended	330	
301 KAR 1:201			803 KAR 2:307		See 42 Ky.R.
Amended	317		AsAmended	209	
301 KAR 2:049			803 KAR 2:400		See 42 Ky.R.
Amended	436		AsAmended	210	
301 KAR 2:122		See 42 Ky.R.	803 KAR 2:412		
AsAmended	20	8-5-16	Amended	106	
301 KAR 2:132			803 KAR 25:010		See 42 Ky.R.
Amended	322		AmComments	28	
301 KAR 2:176		See 42 Ky.R.	AsAmended	404	
AsAmended	200		804 KAR 1:071(r)	498	
301 KAR 2:221		See 42 Ky.R.	804 KAR 3:081(r)	499	
AsAmended	202		804 KAR 4:041(r)	500	
301 KAR 2:222		See 42 Ky.R.	804 KAR 4:381(r)	370	
AsAmended	203		804 KAR 4:390		
301 KAR 2:226		See 42 Ky.R.	Amended	332	
AsAmended	21	8-5-16	804 KAR 4:400		
301 KAR 2:251			Amended	334	
Amended	440		804 KAR 4:410		
301 KAR 5:040		See 42 Ky.R.	Amended	336	
AsAmended	206		804 KAR 5:031(r)	501	
401 KAR 31:040		See 42 Ky.R.	804 KAR 7:051(r)	502	
AsAmended	207		804 KAR 8:041(r)	503	
401 KAR 51:010		See 42 Ky.R.	804 KAR 9:021(r)	504	
AmComments	242		804 KAR 11:010		
AsAmended	396		Amended	338	
401 KAR 53:010		See 42 Ky.R.	804 KAR 11:021(r)	505	
AsAmended	22	8-5-16	808 KAR 1:081(r)	371	
501 KAR 6:020		See 42 Ky.R.	808 KAR 1:160	372	
AsAmended	24	8-5-16	808 KAR 4:021(r)	375	
Amended	444		808 KAR 9:050		See 42 Ky.R.
501 KAR 6:110			AsAmended	25	8-5-16
Amended	99		808 KAR 11:011(r)	376	
AsAmended	402		808 KAR 12:021		
501 KAR 6:160			Amended	110	
Amended	101		808 KAR 12:055	155	
503 KAR 5:090			810 KAR 1:009		
Amended	446		Amended	114	
600 KAR 5:011(r)	479		811 KAR 2:190		
600 KAR 6:061(r)	480		Amended	118	
601 KAR 1:231(r)	481		815 KAR 7:120		
601 KAR 2:011(r)	482		Amended	452	
601 KAR 9:111(r)	483		Withdrawn		8-24-2016
601 KAR 40:011(r)	484		815 KAR 20:020		
602 KAR 15:011(r)	486		Amended	455	
602 KAR 20:091(r)	487		815 KAR 20:080		
603 KAR 1:031(r)	488		Amended	460	
603 KAR 4:046(r)	489		815 KAR 20:090		
603 KAR 5:311(r)	490		Amended	461	
603 KAR 7:071(r)	491		815 KAR 20:120		
603 KAR 8:011(r)	492		Amended	466	
603 KAR 9:021(r)	493		902 KAR 2:020		
605 KAR 1:011(r)	494		Amended	122	

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	43 Ky.R. Page No.	Effective Date	Regulation Number	43 Ky.R. Page No.	Effective Date
902 KAR 4:120		See 42 Ky.R.			
AsAmended	210				
902 KAR 20:058					
Amended	129				
902 KAR 100:030		See 42 Ky.R.			
AsAmended	212				
902 KAR 100:080		See 42 Ky.R.			
AsAmended	216				
902 KAR 100:085		See 42 Ky.R.			
AsAmended	217				
907 KAR 7:010					
Amended	339				
907 KAR 7:015					
Amended	351				
910 KAR 1:210					
Amended	136				
AmComments	421				
921 KAR 1:380					
Amended	473				
921 KAR 1:420					
Amended	354				
921 KAR 3:035		See 42 Ky.R.			
AmComments	42				
AsAmended	218				
921 KAR 4:119(r)	157				
922 KAR 1:151(r)	377				
922 KAR 1:320		See 42 Ky.R.			
AmComments	45				
922 KAR 1:500					
Amended	142				
922 KAR 2:020		See 42 Ky.R.			
AmComments	50				
AsAmended	221				
922 KAR 2:160		See 42 Ky.R.			
AmComments	55				
AsAmended	225				
922 KAR 2:260		See 42 Ky.R.			
AmComments	65				
922 KAR 5:081(r)	159				

SYMBOL KEY:

* Statement of Consideration not filed by deadline

** Withdrawn, not in effect within 1 year of publication

*** Withdrawn before being printed in Register

(r) Repealer regulation: KRS 13A.310-on the effective date of an administrative regulation that repeals another, the regulations compiler shall delete the repealed administrative regulation and the repealing administrative regulation.

KRS INDEX

KRS SECTION	REGULATION	KRS SECTION	REGULATION
6.611	2 KAR 2:040		301 KAR 2:049
	2 KAR 2:050		301 KAR 2:132
	2 KAR 2:060	150.090	301 KAR 1:015
	2 KAR 2:070	150.092	301 KAR 2:049
6.666	2 KAR 2:010	150.170	301 KAR 1:201
	2 KAR 2:040		301 KAR 2:049
6.681	2 KAR 2:070		301 KAR 2:132
6.686	2 KAR 2:050		301 KAR 2:251
	2 KAR 2:070	150.175	301 KAR 1:201
6.787	2 KAR 2:020	150.180	301 KAR 2:132
6.793	2 KAR 2:020		301 KAR 2:251
6.807	2 KAR 2:010	150.190	301 KAR 2:132
	2 KAR 2:040	150.340	301 KAR 1:201
6.821	2 KAR 2:010	150.370	301 KAR 2:049
	2 KAR 2:040		301 KAR 2:251
6.824	2 KAR 2:010	150.399	301 KAR 2:049
6.827	2 KAR 2:010		301 KAR 2:251
	2 KAR 2:040	150.415	301 KAR 2:251
6.829	2 KAR 2:010	150.416	301 KAR 2:251
	2 KAR 2:040	150.620	301 KAR 1:201
6.691	2 KAR 2:060	150.625	301 KAR 1:015
11A	600 KAR 6:061	150.990	301 KAR 1:015
12.355	201 KAR 22:045		301 KAR 1:201
13B	922 KAR 5:081		301 KAR 2:049
	922 KAR 1:320		301 KAR 2:251
	922 KAR 2:020	150.995	301 KAR 2:049
	922 KAR 2:260		301 KAR 2:251
13B.010	921 KAR 1:420	154.45-096	601 KAR 1:231
13B.170	921 KAR 1:420	154A.130	11 KAR 15:090
15.440	503 KAR 5:090	156.01	11 KAR 15:090
15.450	503 KAR 5:090	156.029	705 KAR 4:231
23A.010	922 KAR 1:320	156.031	702 KAR 3:171
	922 KAR 2:020	156.070	704 KAR 3:342
	922 KAR 2:260	156.074	702 KAR 3:171
45.237-45.241	922 KAR 2:020	156.160	704 KAR 3:342
45.360	603 KAR 1:031	156.802	705 KAR 4:231
45A.030	200 KAR 5:355		780 KAR 4:012
45A.077	200 KAR 5:355	156.850	780 KAR 4:012
45A.085	200 KAR 5:355	156.852	780 KAR 4:012
45A.090	200 KAR 5:355	157.070	702 KAR 7:065
45A.180	200 KAR 5:355	158.007	11 KAR 15:090
45A.183	200 KAR 5:355	158.030	703 KAR 4:041
45A.800-45A.835	600 KAR 6:061	158.031	703 KAR 4:041
61.315	739 KAR 2:040	158.115	600 KAR 5:011
61.805-61.850	702 KAR 7:065	158.6451	703 KAR 4:041
67.750	30 KAR 7:010	160.380	702 KAR 7:065
67.767	30 KAR 7:010	160.445	702 KAR 7:065
95A	739 KAR 2:040	161.220	102 KAR 1:320
	739 KAR 2:140	161.520	102 KAR 1:165
96A	603 KAR 7:071	161.661	102 KAR 1:290
131.131	103 KAR 15:180	161.700	102 KAR 1:320
132.010	815 KAR 7:120	161.716	102 KAR 1:320
132.020	103 KAR 8:160	164.002	11 KAR 15:090
132.200	103 KAR 8:160	164.772	804 KAR 4:400
136.320	103 KAR 15:180	164.7871	11 KAR 15:090
136.330	103 KAR 15:180	164.7874	11 KAR 15:090
136.340	103 KAR 15:180	164.7877	11 KAR 15:090
136.350	103 KAR 15:180	164.7879	11 KAR 15:090
136.370	103 KAR 15:180	164.7881	11 KAR 15:090
136.390	103 KAR 15:180	164.7885	11 KAR 15:090
136.392	739 KAR 2:040	164.7889	11 KAR 15:090
138.455-138.470	601 KAR 1:231	164A.560	755 KAR 1:080
138.510	811 KAR 2:190	164A.565	755 KAR 1:080
141.020	103 KAR 15:180	164A.575	755 KAR 1:080
141.040	103 KAR 15:180	164A.580	755 KAR 1:080
141.0401	103 KAR 15:180	164A.585	755 KAR 1:080
141.050	103 KAR 15:180	164A.590	755 KAR 1:080
141.432	103 KAR 15:180	164A.595	755 KAR 1:080
141.433	103 KAR 15:180	164A.600	755 KAR 1:080
141.434	103 KAR 15:180	168.100	702 KAR 3:171
150.010	301 KAR 1:201	174.080	603 KAR 7:071

KRS INDEX

KRS SECTION	REGULATION	KRS SECTION	REGULATION
174.400-174.425	601 KAR 1:231	209.020	922 KAR 1:320
174.450	601 KAR 40:011	209.200	922 KAR 5:081
176	603 KAR 8:011	209A.020	922 KAR 1:320
176.050	603 KAR 7:071	211.180	902 KAR 2:020
176.070	603 KAR 1:031	213.046	921 KAR 1:380
176.130	603 KAR 1:031	214.010	902 KAR 2:020
176.140	603 KAR 1:031	214.036	922 KAR 2:160
176.240	603 KAR 7:071	214.645	902 KAR 2:020
177.220-177.240	603 KAR 5:311	216B.010	902 KAR 20:058
183.090	602 KAR 20:091	216B.015	902 KAR 20:058
	603 KAR 9:021	216B.020	202 KAR 7:501
183.200-183.213	602 KAR 15:011	216B.040	902 KAR 20:058
186	601 KAR 2:011	216B.042	902 KAR 20:058
	601 KAR 9:111	216B.045-216B.055	902 KAR 20:058
186.053	601 KAR 9:111	216B.075	902 KAR 20:058
186.276	601 KAR 9:111	216B.105-216B.131	902 KAR 20:058
186.281	601 KAR 1:231	216B.176	902 KAR 20:058
	601 KAR 9:111	216B.177	902 KAR 20:058
186.650	601 KAR 9:111	216B.400	201 KAR 20:411
186A.145	601 KAR 9:111	216B.990	902 KAR 20:058
186A.160	601 KAR 9:111	224.1-010	103 KAR 8:160
189.010	603 KAR 4:046	227.300	815 KAR 7:120
189.221	603 KAR 5:311	227.550	815 KAR 7:120
189.222	603 KAR 5:311	229.011	201 KAR 27:005
189.231	603 KAR 5:311		201 KAR 27:007
189.337	603 KAR 4:046	229.021	201 KAR 27:005
189.338	603 KAR 5:311		201 KAR 27:007
190.058	605 KAR 1:011		201 KAR 27:008
194A	922 KAR 1:151		201 KAR 27:011
194A.005	922 KAR 1:320		201 KAR 27:012
	922 KAR 2:260		201 KAR 27:016
194A.030	921 KAR 4:119		201 KAR 27:017
	922 KAR 1:320		201 KAR 27:036
	922 KAR 2:260		201 KAR 27:040
194A.060	922 KAR 2:020		201 KAR 27:105
	922 KAR 2:160	229.031	201 KAR 27:005
196	501 KAR 6:020		201 KAR 27:011
	501 KAR 6:110		201 KAR 27:012
	501 KAR 6:160		201 KAR 27:016
197	501 KAR 6:020		201 KAR 27:020
	501 KAR 6:110		201 KAR 27:105
	501 KAR 6:160	229.041	201 KAR 27:007
198B.010	815 KAR 7:120		201 KAR 27:020
198B.040	815 KAR 7:120	229.051	201 KAR 27:005
198B.050	815 KAR 7:120		201 KAR 27:007
198B.060	815 KAR 7:120		201 KAR 27:008
198B.080	815 KAR 7:120	229.061	201 KAR 27:007
198B.110	815 KAR 7:120	229.071	201 KAR 27:005
198B.260	815 KAR 7:120		201 KAR 27:008
198B.990	815 KAR 7:120		201 KAR 27:011
199	922 KAR 1:151		201 KAR 27:012
199.555	922 KAR 1:320		201 KAR 27:016
199.557	922 KAR 1:320		201 KAR 27:017
199.892	922 KAR 2:160		201 KAR 27:020
199.894	922 KAR 2:160		201 KAR 27:021
199.896	922 KAR 2:160		201 KAR 27:036
199.898	922 KAR 2:160		201 KAR 27:105
199.899	922 KAR 2:160	229.081	201 KAR 27:005
199.8982	922 KAR 2:160		201 KAR 27:008
199.8994	922 KAR 2:160		201 KAR 27:011
205.520	907 KAR 7:010		201 KAR 27:012
205.5605	907 KAR 7:010		201 KAR 27:016
205.5606	907 KAR 7:010		201 KAR 27:017
205.5607	907 KAR 7:010		201 KAR 27:021
205.635	907 KAR 7:010		201 KAR 27:036
205.705	921 KAR 1:380		201 KAR 27:040
205.710-205.800	921 KAR 1:380	229.091	201 KAR 27:005
205.720	921 KAR 1:420		201 KAR 27:008
205.750	921 KAR 1:420		201 KAR 27:011
205.755	921 KAR 1:420		201 KAR 27:012
205.795	921 KAR 1:420		201 KAR 27:016
205.992	921 KAR 1:380		201 KAR 27:017

KRS INDEX

KRS SECTION	REGULATION	KRS SECTION	REGULATION
	201 KAR 27:021		12 KAR 1:140
	201 KAR 27:036		12 KAR 1:155
	201 KAR 27:040	250.041	12 KAR 1:116
229.101	201 KAR 27:105		12 KAR 1:140
	201 KAR 27:011		12 KAR 1:155
	201 KAR 27:016	250.051	12 KAR 1:116
	201 KAR 27:017		12 KAR 1:140
229.111	201 KAR 27:005		12 KAR 1:155
	201 KAR 27:016	250.061	12 KAR 1:116
	201 KAR 27:021		12 KAR 1:140
229.131	201 KAR 27:005		12 KAR 1:155
	201 KAR 27:011	250.071	12 KAR 1:116
	201 KAR 27:016		12 KAR 1:140
	201 KAR 27:017		12 KAR 1:155
229.155	201 KAR 27:005	250.081	12 KAR 1:116
	201 KAR 27:007		12 KAR 1:140
	201 KAR 27:011		12 KAR 1:155
	201 KAR 27:105	250.091	12 KAR 1:116
229.171	201 KAR 27:005		12 KAR 1:140
	201 KAR 27:007		12 KAR 1:155
	201 KAR 27:008	250.101	12 KAR 1:116
	201 KAR 27:011		12 KAR 1:140
	201 KAR 27:012		12 KAR 1:155
	201 KAR 27:016	250.111	12 KAR 1:116
	201 KAR 27:017		12 KAR 1:140
	201 KAR 27:021		12 KAR 1:155
	201 KAR 27:036	281	601 KAR 1:231
	201 KAR 27:040		601 KAR 2:011
	201 KAR 27:105	281.626	601 KAR 1:231
229.180	201 KAR 27:005	281.655	601 KAR 1:231
	201 KAR 27:016	281.656	601 KAR 1:231
	201 KAR 27:017	281.720	601 KAR 9:111
	201 KAR 27:020	281.900	601 KAR 1:231
	201 KAR 27:021	281.905	601 KAR 1:231
	201 KAR 27:036	286.3-010	808 KAR 1:160
	201 KAR 27:105	286.3-020	808 KAR 1:160
229.190	201 KAR 27:007	286.3-050	808 KAR 1:160
	201 KAR 27:105	286.3-065	808 KAR 1:081
229.200	201 KAR 27:007	286.3-095	808 KAR 1:160
	201 KAR 27:021	286.3-100	808 KAR 1:081
	201 KAR 27:105	286.3-135	808 KAR 1:160
229.991	201 KAR 27:007	286.3-140	808 KAR 1:160
	201 KAR 27:021	286.3-145	808 KAR 1:160
	201 KAR 27:105	286.3-146	808 KAR 1:160
230.215	810 KAR 1:009	286.3-170	808 KAR 1:160
	811 KAR 2:190	286.3-172	808 KAR 1:160
230.225	811 KAR 2:190	286.3-174	808 KAR 1:160
230.443	811 KAR 2:190	286.3-180	808 KAR 1:160
230.445	811 KAR 2:190	286.3-185	808 KAR 1:160
235.010	301 KAR 1:015	286.3-450	808 KAR 1:160
235.990	301 KAR 1:015	286.3-480	808 KAR 1:160
241.060	804 KAR 1:071	286.3-530	808 KAR 1:160
	804 KAR 3:081	286.3-820	808 KAR 1:160
	804 KAR 4:041	286.3-900	808 KAR 11:011
	804 KAR 4:400	286.3-920	808 KAR 1:160
	804 KAR 4:410	286.8-010	808 KAR 12:021
	804 KAR 5:031		808 KAR 12:055
	804 KAR 7:051	286.8-020	808 KAR 12:021
	804 KAR 8:041	286.8-030	808 KAR 12:021
	804 KAR 9:021	286.8-036	808 KAR 12:021
	804 KAR 11:021	286.8-060	808 KAR 12:021
243.090	804 KAR 4:390	286.8-070	808 KAR 12:021
	804 KAR 4:400	286.8-080	808 KAR 12:021
243.155	804 KAR 4:381	286.8-090	808 KAR 12:021
243.380	804 KAR 4:400	286.8-255	808 KAR 12:055
243.390	804 KAR 4:400	286.8-260	808 KAR 12:021
244.500	804 KAR 11:010	286.8-290	808 KAR 12:021
244.590	804 KAR 11:010	304.3-270	103 KAR 15:180
250.021	12 KAR 1:116	311	201 KAR 27:008
	12 KAR 1:140		902 KAR 20:058
	12 KAR 1:155	311A.010	202 KAR 7:520
250.031	12 KAR 1:116	311A.030	202 KAR 7:501

KRS INDEX

KRS SECTION	REGULATION	KRS SECTION	REGULATION
311A.035	202 KAR 7:520	367.93121	40 KAR 2:150
311A.050	202 KAR 7:520	367.97501	40 KAR 2:145
311A.055	202 KAR 7:520		40 KAR 2:145
311A.060	202 KAR 7:520	367.97504	40 KAR 2:150
311A.155	202 KAR 7:520	367.97507	40 KAR 2:150
311A.190	202 KAR 7:501	367.97511	40 KAR 2:150
	202 KAR 7:520	367.97514	40 KAR 2:145
314	902 KAR 20:058		40 KAR 2:150
314.011	201 KAR 20:411	367.97517	40 KAR 2:150
	922 KAR 2:160	367.97521	40 KAR 2:150
314.103	201 KAR 20:411	367.97524	40 KAR 2:145
314.142	201 KAR 20:411		40 KAR 2:150
314.470	201 KAR 20:411	367.97527	40 KAR 2:145
317.440	201 KAR 14:125		40 KAR 2:150
317.450	201 KAR 14:125	403.190	102 KAR 1:320
318	815 KAR 20:080	403.211	921 KAR 1:380
318.010	815 KAR 20:020	403.707	201 KAR 20:411
	815 KAR 20:090	405.430	921 KAR 1:380
	815 KAR 20:120	405.467	921 KAR 1:380
318.015	815 KAR 20:020	405.520	921 KAR 1:380
	815 KAR 20:090		921 KAR 1:420
318.130	815 KAR 20:020	406.021	921 KAR 1:380
	815 KAR 20:090	406.025	921 KAR 1:380
	815 KAR 20:120	407.5101	921 KAR 1:420
318.150	815 KAR 20:020	407.5101-407.5903	921 KAR 1:380
	815 KAR 20:090	421.500-421.575	201 KAR 20:411
	815 KAR 20:120	439	501 KAR 6:020
318.165	815 KAR 20:120		501 KAR 6:110
318.200	815 KAR 20:020		501 KAR 6:160
	815 KAR 20:090	600.020	922 KAR 1:320
	815 KAR 20:120		922 KAR 2:160
319C.030	201 KAR 43:110	605.090	922 KAR 1:320
324A.010	201 KAR 30:030	605.120	922 KAR 2:160
324A.030	201 KAR 30:030	610.170	921 KAR 1:380
324A.035	201 KAR 30:030	620	922 KAR 1:151
324A.040	201 KAR 30:030	620.020	922 KAR 1:320
324A.052	201 KAR 30:030		922 KAR 2:160
327.010	201 KAR 22:045	620.180	922 KAR 1:320
327.070	201 KAR 22:045	620.230	922 KAR 1:320
333.130	902 KAR 2:020	2 C.F.R.	202 KAR 7:520
337.275	922 KAR 2:160		803 KAR 2:412
338.015	803 KAR 2:180	7 C.F.R.	921 KAR 3:035
	803 KAR 2:412		922 KAR 2:160
338.121	803 KAR 2:180	10 C.F.R.	921 KAR 4:119
338.031	803 KAR 2:412	20 C.F.R.	922 KAR 2:160
338.051	803 KAR 2:412	23 C.F.R.	600 KAR 6:061
338.061	803 KAR 2:180		603 KAR 4:046
	803 KAR 2:412	29 C.F.R.	601 KAR 1:231
342.125	803 KAR 25:010		803 KAR 2:180
342.260	803 KAR 25:010	42 C.F.R.	907 KAR 7:010
342.265	803 KAR 25:010		907 KAR 7:015
342.270	803 KAR 25:010	45 C.F.R.	902 KAR 20:058
342.300	803 KAR 25:010		921 KAR 1:380
342.310	803 KAR 25:010		921 KAR 1:420
342.315	803 KAR 25:010		922 KAR 1:320
342.710	803 KAR 25:010		922 KAR 2:020
342.715	803 KAR 25:010		922 KAR 2:160
342.732	803 KAR 25:010		922 KAR 2:260
342.760	803 KAR 25:010	49 C.F.R.	600 KAR 6:061
342.0011	803 KAR 25:010		601 KAR 1:231
360.210-360.265	808 KAR 4:021		601 KAR 2:011
367.93101	40 KAR 2:145	7 U.S.C.	921 KAR 3:035
367.93103	40 KAR 2:150		922 KAR 2:160
367.93105	40 KAR 2:145	15 U.S.C.	201 KAR 27:008
	40 KAR 2:150		201 KAR 27:011
367.93107	40 KAR 2:145		201 KAR 27:017
367.93109	40 KAR 2:145	20 U.S.C.	702 KAR 7:065
367.93111	40 KAR 2:145		705 KAR 4:231
367.93113	40 KAR 2:145		780 KAR 4:012
367.93115	40 KAR 2:145	23 U.S.C.	600 KAR 6:061
367.93117	40 KAR 2:145		603 KAR 4:046

KRS INDEX

KRS SECTION	REGULATION	KRS SECTION	REGULATION
25 U.S.C.	922 KAR 2:160		
26 U.S.C.	102 KAR 1:320		
	103 KAR 15:180		
29 U.S.C.	921 KAR 4:119		
	922 KAR 2:160		
38 U.S.C.	922 KAR 2:160		
42 U.S.C.	921 KAR 4:119		
	902 KAR 20:058		
	907 KAR 7:015		
	921 KAR 1:380		
	921 KAR 1:420		
	921 KAR 3:035		
	922 KAR 1:320		
	922 KAR 2:020		
	922 KAR 2:160		
	922 KAR 2:260		
	921 KAR 4:119		
Pub.L. 109-58	603 KAR 8:011		
1986 Ky. Acts ch 401	600 KAR 5:011		
1998 Ky. Acts ch.615	922 KAR 2:160		
2014 Ky. Acts ch.117	739 KAR 2:140		
2016 Ky. Acts ch. 91	922 KAR 2:160		
2016 Ky. Acts ch. 149	201 KAR 27:005		
EO 2016-270	201 KAR 27:105		

KRS INDEX

KRS SECTION

REGULATION

KRS SECTION

REGULATION

The Technical Amendment Index is a list of administrative regulations that have had technical, nonsubstantive amendments entered since being published in the *2016 Kentucky Administrative Regulations Service*. These technical changes have been made by the Regulations Compiler pursuant to KRS 13A.040(9) and (10), 13A.2255(2), 13A.312(2), or 13A.320(1)(d). Since these changes were not substantive in nature, administrative regulations appearing in this index will NOT be published to show the technical corrections in the *Administrative Register of Kentucky*. NOTE: Finalized copies of the technically amended administrative regulations are available for viewing on the Legislative Research Commission Web site at <http://www.lrc.ky.gov/KAR/frntpage.htm>.

‡ - Pursuant to KRS 13A.320(1)(e), this symbol indicates a technical change was made to this administrative regulation during the promulgation process.

Regulation Number	Amendment Date		
Regulation Number	Amendment Date	103 KAR 43:100	6-28-2016
30 KAR 1:040	8-2-2016	103 KAR 43:110	6-28-2016
40 KAR 2:150	6-30-2016	103 KAR 43:140	6-28-2016
103 KAR 25:050	6-22-2016	103 KAR 43:310	6-28-2016
103 KAR 25:060	6-22-2016	103 KAR 43:330	6-28-2016
103 KAR 25:131	6-22-2016	103 KAR 44:060	6-28-2016
103 KAR 26:050	6-22-2016	103 KAR 44:070	6-28-2016
103 KAR 26:070	6-22-2016	401 KAR 4:010	7-8-2016
103 KAR 26:080	6-22-2016	401 KAR 4:060	7-8-2016
103 KAR 26:090	6-22-2016	401 KAR 4:100	7-8-2016
103 KAR 26:100	6-22-2016	401 KAR 4:140	7-8-2016
103 KAR 27:120	6-22-2016	401 KAR 4:220	7-8-2016
103 KAR 27:140	6-22-2016	401 KAR 5:002	7-8-2016
103 KAR 27:150	6-22-2016	401 KAR 5:005	7-8-2016
103 KAR 27:180	6-22-2016	401 KAR 5:006	7-8-2016
103 KAR 27:220	6-22-2016	401 KAR 5:060	7-8-2016
103 KAR 28:010	6-22-2016	401 KAR 5:320	7-8-2016
103 KAR 28:020	6-22-2016	401 KAR 6:310	7-8-2016
103 KAR 28:030	6-22-2016	401 KAR 6:320	7-8-2016
103 KAR 28:040	6-22-2016	401 KAR 6:350	7-8-2016
103 KAR 28:051	6-22-2016	401 KAR 8:020	7-8-2016
103 KAR 28:060	6-22-2016	401 KAR 8:040	7-8-2016
103 KAR 28:090	6-22-2016	401 KAR 8:100	7-8-2016
103 KAR 28:130	6-22-2016	401 KAR 9:010	7-8-2016
103 KAR 28:150	6-22-2016	401 KAR 10:026	7-8-2016
103 KAR 30:091	6-22-2016	401 KAR 10:030	7-8-2016
103 KAR 30:120	6-22-2016	401 KAR 10:031	7-8-2016
103 KAR 30:140	6-22-2016	401 KAR 11:050	7-8-2016
103 KAR 30:160	6-22-2016	401 KAR 31:070	7-8-2016
103 KAR 30:170	6-22-2016	401 KAR 32:010	7-8-2016
103 KAR 30:180	6-22-2016	401 KAR 32:040	7-8-2016
103 KAR 30:190	6-22-2016	401 KAR 33:010	7-8-2016
103 KAR 30:235	6-22-2016	401 KAR 34:060	7-8-2016
103 KAR 30:250	6-22-2016	401 KAR 34:080	7-8-2016
103 KAR 30:260	6-22-2016	401 KAR 38:040	7-8-2016
103 KAR 30:270	6-22-2016	401 KAR 38:050	7-8-2016
103 KAR 30:280	6-22-2016	401 KAR 38:080	7-8-2016
103 KAR 30:290	6-22-2016	401 KAR 42:020	7-8-2016
103 KAR 31:011	6-22-2016	401 KAR 42:030	7-8-2016
103 KAR 31:050	6-22-2016	401 KAR 42:040	7-8-2016
103 KAR 31:080	6-22-2016	401 KAR 42:060	7-8-2016
103 KAR 31:090	6-22-2016	401 KAR 42:070	7-8-2016
103 KAR 31:190	6-22-2016	401 KAR 42:080	7-8-2016
103 KAR 40:010	6-28-2016	401 KAR 42:250	7-8-2016
103 KAR 40:035	6-28-2016	401 KAR 42:290	7-8-2016
103 KAR 40:050	6-28-2016	401 KAR 42:300	7-8-2016
103 KAR 40:090	6-28-2016	401 KAR 42:316	7-8-2016
103 KAR 40:100	6-28-2016	401 KAR 42:320	7-8-2016
103 KAR 41:030	6-28-2016	401 KAR 42:330	7-8-2016
103 KAR 41:040	6-28-2016	401 KAR 42:340	7-8-2016
103 KAR 41:050	6-28-2016	401 KAR 44:030	7-8-2016
103 KAR 41:060	6-28-2016	401 KAR 45:030	7-8-2016
103 KAR 41:090	6-28-2016	401 KAR 45:040	7-8-2016
103 KAR 41:100	6-28-2016	401 KAR 45:070	7-8-2016
103 KAR 41:110	6-28-2016	401 KAR 45:080	7-8-2016
103 KAR 41:120	6-28-2016	401 KAR 45:090	7-8-2016
103 KAR 41:130	6-28-2016	401 KAR 45:100	7-8-2016
103 KAR 41:160	6-28-2016	401 KAR 45:135	7-8-2016
103 KAR 43:010	6-28-2016	401 KAR 47:090	7-8-2016
103 KAR 43:050	6-28-2016	401 KAR 47:095	7-8-2016
		401 KAR 47:110	7-8-2016
		401 KAR 47:205	7-8-2016

TECHNICAL AMENDMENT INDEX

401 KAR 48:205	7-8-2016	805 KAR 1:140	7-6-2016
401 KAR 48:206	7-8-2016	805 KAR 1:160	7-6-2016
401 KAR 48:207	7-8-2016	805 KAR 1:170	7-6-2016
401 KAR 48:208	7-8-2016	805 KAR 1:180	7-6-2016
401 KAR 48:310	7-8-2016	805 KAR 1:190	7-6-2016
401 KAR 49:011	7-8-2016	805 KAR 9:010	7-6-2016
401 KAR 49:080	7-8-2016	805 KAR 9:020	7-6-2016
401 KAR 49:090	7-8-2016	805 KAR 9:030	7-6-2016
401 KAR 49:100	7-8-2016	805 KAR 9:040	7-6-2016
401 KAR 49:210	7-8-2016	805 KAR 9:060	7-6-2016
401 KAR 50:015	7-8-2016	805 KAR 9:080	7-6-2016
401 KAR 50:045	7-8-2016	805 KAR 9:100	7-6-2016
401 KAR 50:065	7-8-2016	805 KAR 4:010	7-6-2016
401 KAR 50:066	7-8-2016	805 KAR 4:040	7-6-2016
401 KAR 51:001	7-8-2016	805 KAR 4:085	7-6-2016
401 KAR 51:150	7-8-2016	805 KAR 4:093	7-6-2016
401 KAR 51:160	7-8-2016	805 KAR 4:100	7-6-2016
401 KAR 51:170	7-8-2016	805 KAR 4:110	7-6-2016
401 KAR 51:180	7-8-2016	805 KAR 5:070	7-6-2016
401 KAR 51:190	7-8-2016	805 KAR 7:030	7-6-2016
401 KAR 51:195	7-8-2016	805 KAR 7:080	7-6-2016
401 KAR 52:020	7-8-2016	805 KAR 8:060	7-6-2016
401 KAR 52:030	7-8-2016	805 KAR 11:010	7-6-2016
401 KAR 52:040	7-8-2016	805 KAR 11:020	7-6-2016
401 KAR 52:050	7-8-2016	902 KAR 2:020	8-4-2016
401 KAR 52:060	7-8-2016		
401 KAR 52:070	7-8-2016		
401 KAR 52:100	7-8-2016		
401 KAR 58:005	7-8-2016		
401 KAR 58:025	7-8-2016		
401 KAR 59:021	7-8-2016		
401 KAR 59:023	7-8-2016		
401 KAR 59:174	7-8-2016		
401 KAR 59:760	7-8-2016		
401 KAR 61:036	7-8-2016		
401 KAR 61:090	7-8-2016		
401 KAR 63:031	7-8-2016		
401 KAR 68:010	7-8-2016		
401 KAR 68:020	7-8-2016		
401 KAR 68:048	7-8-2016		
401 KAR 68:065	7-8-2016		
401 KAR 68:090	7-8-2016		
401 KAR 68:100	7-8-2016		
401 KAR 68:150	7-8-2016		
401 KAR 68:200	7-8-2016		
401 KAR 100:030	7-8-2016		
401 KAR 101:010	7-8-2016		
401 KAR 101:020	7-8-2016		
401 KAR 101:030	7-8-2016		
401 KAR 101:040	7-8-2016		
401 KAR 102:010	7-8-2016		
405 KAR 5:032	7-6-2016		
405 KAR 5:070	7-6-2016		
405 KAR 5:078	7-6-2016		
405 KAR 5:082	7-6-2016		
405 KAR 7:080	7-6-2016		
405 KAR 7:095	7-6-2016		
405 KAR 8:001	7-6-2016		
405 KAR 8:010	7-6-2016		
405 KAR 8:030	7-6-2016		
405 KAR 8:040	7-6-2016		
405 KAR 10:015	7-6-2016		
405 KAR 10:025	7-6-2016		
405 KAR 10:030	7-6-2016		
405 KAR 10:070	7-6-2016		
405 KAR 10:080	7-6-2016		
405 KAR 16:001	7-6-2016		
405 KAR 16:200	7-6-2016		
405 KAR 18:001	7-6-2016		
405 KAR 18:200	7-6-2016		
501 KAR 6:060	8-18-2016		
805 KAR 1:070	7-6-2016		
805 KAR 1:100	7-6-2016		
805 KAR 1:110	7-6-2016		

SUBJECT INDEX

AGING AND INDEPENDENT LIVING, DEPARTMENT OF

Aging Services

Kentucky Long-term Care Ombudsman Program; 910 KAR 1:210

AGRICULTURAL EXPERIMENT STATION

Permits, reports, and fees for persons using own tags; 12 KAR 1:140

Sampling, analyzing, testing, and tolerances; 12 KAR 1:116

Schedule of charges for samples submitted for testing; 12 KAR 1:155

ALCOHOLIC BEVERAGE CONTROL, DEPARTMENT OF

ABC basic application and renewal form incorporated by reference; 804 KAR 4:400

Equipment and supplies; 804 KAR 11:010

License renewals; 804 KAR 4:390

Repeal of 804 KAR 1:070, 804 KAR 1:090, and 804 KAR 1:120, 804 KAR 1:071

Repeal of 804 KAR 3:080; 804 KAR 3:081

Repeal of 804 KAR 4:040, 804 KAR 4:050, 804 KAR 4:150, 804 KAR 4:310, 804 KAR 4:340, and 804 KAR 4:385; 804 KAR 4:041

Repeal of 804 KAR 4:380; 804 KAR 4:381

Repeal of 804 KAR 5:030 and 804 KAR 5:050; 804 KAR 5:031

Repeal of 804 KAR 7:050; 804 KAR 7:051

Repeal of 804 KAR 8:040 and 804 KAR 8:060; 804 KAR 8:041

Repeal of 804 KAR 9:020 and 804 KAR 9:030; 804 KAR 9:021

Repeal of 804 KAR 11:020; 804 KAR 11:021

Special applications and registration forms incorporated by reference; 804 KAR 4:410

CHILD CARE, DIVISION OF

Day Care

Child Care Assistance Program; 922 KAR 2:160

Child Care Assistance Program (CCAP) improper payments, claims, and penalties; 922 KAR 2:020

Child care service appeals; 922 KAR 2:260

COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Emergency Medical Services, Board of

Ambulance and medical first response agencies; 202 KAR 7:501

Allocation of block grant funding assistance for emergency medical services; 201 KAR 7:520

Kentucky Fire Commission

Survivor benefits for death of a firefighter; 739 KAR 2:040

Volunteer fire department reporting requirements; 739 KAR 2:140

COMMUNITY BASED SERVICES, DEPARTMENT OF

Child Care (*See Child Care, Division of*) 922 KAR Chapter 2

Family Support (*See Family Support, Division of*) KAR Title 921

Income Support, Department of

Child Support Enforcement

Child support distribution; 921 KAR 1:420

Protection and Permanency (*See Protection and Permanency, Department of*) KAR Title 922

EDUCATION AND WORKFORCE DEVELOPMENT CABINET

Education, Kentucky Board of

Education (*See Education, Department of*) KAR Titles 702, 703, 704

EDUCATION, DEPARTMENT OF

Education, Kentucky Board of

General program standards for secondary career and technical education programs; 705 KAR 4:231

Repeal of 702 KAR 3:170; 702 KAR 3:171

Repeal of 780 KAR 4:010; 780 KAR 4:012

Instruction, Office of

Repeal of 704 KAR 3:340; 704 KAR 3:342

Learning Results Services

Repeal of 703 KAR 4:040; 703 KAR 4:041

School Terms, Attendance and Operation

Designation of agent to manage middle and high school interscholastic athletics; 702 KAR 7:065

ETHICS

See Legislative Ethics Commission

FAMILY SUPPORT, DIVISION OF

Energy Assistance Program/Weatherization

Repeal of 921 KAR 4:118; 921 KAR 4:119

Supplemental Nutrition Assistance Program

Certification process; 921 KAR 3:035

FINANCE AND ADMINISTRATION CABINET

Kentucky Teachers' Retirement System

Disability retirement application, review and examinations; 102 KAR 1:290

Surviving children's benefits; 102 KAR 1:165

Qualified domestic relations orders; 102 KAR 1:320

Revenue, Department of

Income Taxation, Office of

Kentucky new markets development program tax credit; 103 KAR 15:180

Valuation of municipal solid waste landfill facilities; 103 KAR 8:160

Secretary, Office of the

Public-private partnership delivery method; 200 KAR 5:355

FINANCIAL INSTITUTIONS, DEPARTMENT OF

Division of Depository Institutions

Fees for services rendered to banks and trust companies; 808 KAR 1:160

Repeal of 808 KAR 1:080 and 808 KAR 1:100; 808 KAR 1:081

Repeal of 808 KAR 11:010; 808 KAR 11:011

Division of Nondepository Institutions

Repeal of 808 KAR 4:020; 808 KAR 4:021

Mortgage Loan Companies and Mortgage Loan Brokers

Licensing and registration; 808 KAR 12:021

Uniform standards for mortgage loan processor applicant employee background checks; 808 KAR 12:055

GENERAL GOVERNMENT CABINET

Applied Behavior Analysis Licensing Board

Per Diem; 201 KAR 43:110

Barbering, Board of

Notification and inspection of new shop locations; 201 KAR 14:045

Teacher requirements, 201 KAR 14:125

Nursing, Board of

Sexual assault nurse examiner program standards and credential requirements; 201 KAR 20:411

Physical Therapy, Board of

Continued competency requirements and procedures, 201 KAR 22:045

HEALTH AND FAMILY SERVICES, CABINET FOR

Aging and Independent Living (*See Aging and Independent Living, Department of*) KAR Title 910

Community Based Services (*See Community Based Services, Department of*) KAR Titles 921 and 922

Income Support, Department of

Child Support Enforcement

Child Support Enforcement Program application and intergovernmental process; 921 KAR 1:380

Inspector General (*See Inspector General, Office of*) KAR Title 902

Medicaid Services (*See Medicaid Services*) KAR Title 907

Public Health (*See Public Health, Department of*) KAR Title 902

HIGHER EDUCATION ASSISTANCE AUTHORITY

Kentucky Educational Excellence Scholarship Program

KEES program; 11 KAR 15:090

SUBJECT INDEX

HORSE RACING COMMISSION

Quarter Horse, Paint Horse, Appaloosa, and Arabian Racing
Development Fund; 811 KAR 2:190
Thoroughbred Racing
Jockeys and apprentices; 810 KAR 1:009

HOUSING, BUILDINGS AND CONSTRUCTION, DEPARTMENT OF

Building Code Enforcement, Division of
Kentucky Building Code; 815 KAR 7:120
Plumbing, Division of
Parts or materials list; 815 KAR 20:020
Soil, waste, and vent systems; 815 KAR 20:090
Waste pipe size; 815 KAR 20:080
Water supply and distribution; 815 KAR 20:120

INSPECTOR GENERAL, OFFICE OF

Healthcare, Division of
Operation and services; primary care center; 902 KAR 20:058

JUSTICE AND PUBLIC SAFETY CABINET

Corrections, Department of
Correctional Industries; 501 KAR 6:160
Corrections policies and procedures; 501 KAR 6:020
Roederer Correctional Complex; 501 KAR 6:110
Criminal Justice Training, Department of
Participation: requirements; application; withdrawal; 503 KAR 5:090

LABOR CABINET

Workers' Claims, Department of
Procedure for adjustments of claims; 803 KAR 25:010
Workplace Standards, Department of
Occupational Safety and Health Compliance
Occupational Safety and Health Education Training
Fall protection; 803 KAR 2:412
Recordkeeping, reporting, statistics; 803 KAR 2:180

LEGISLATIVE ETHICS COMMISSION

Adjudicatory hearings; 2 KAR 2:060
Advisory opinions; 2 KAR 2:070
Preliminary inquiries; 2 KAR 2:050
Required forms; 2 KAR 2:010
Statement of financial disclosure; 2 KAR 2:020
Updated registration short forms for employers and legislative agents; 2 KAR 2:040

MEDICAID SERVICES

Division of Community Alternatives
Home and community based waiver services version 2; 907 KAR 7:010
Reimbursement for home and community based waiver services version 2; 907 KAR 7:015
Repeal of 922 KAR 1:150, 1:170, 1:210, and 1:230; 922 KAR 1:151

MOREHEAD STATE UNIVERSITY

Board of Regents
Capital construction procedures; 755 KAR 1:080

PROTECTION AND PERMANENCY, DIVISION OF

Child Welfare
Educational and training vouchers; 922 KAR 1:500
Service appeals; 922 KAR 1:320
Adult Services
Repeal of 922 KAR 5:080; 922 KAR 5:081

PUBLIC HEALTH, DEPARTMENT OF

Epidemiology and Health Planning, Division of
Reportable disease surveillance; 902 KAR 2:020

PUBLIC PROTECTION CABINET

Alcoholic Beverage Control, Department of (See *Alcoholic*

Beverage Control, Department of) KAR Chapter 804
Boxing and Wrestling Commission.
Definitions; 201 KAR 27:005
Disciplinary action; 201 KAR 27:105
Drug testing for boxing, kickboxing, mixed martial arts, and elimination event shows; 201 KAR 27:021
General requirements for all mixed martial arts matches, shows, or exhibitions; 201 KAR 27:016
General requirements for boxing and kickboxing shows; 201 KAR 27:011
General requirements for wrestling shows; 201 KAR 27:012
License requirements and fees; 201 KAR 27:008
Managers; 201 KAR 27:040
Powers and duties of inspector; 201 KAR 27:007
Repeal of 201 KAR 27:035, 27:045, 27:050, 27:055, 27:060, 27:065, 27:070, 27:090, 27:100; 201 KAR 27:036
Requirements for elimination events; 201 KAR 27:017
Tickets; 201 KAR 27:020
Financial Institutions (See *Financial Institutions, Department of*) KAR Title 808
Horse Racing Commission
Real Estate Appraisers Board
Types of appraisers required in federally related transactions; certification and licensure; 201 KAR 30:030 (See *Housing, Buildings and Construction*) KAR Title 815

SECRETARY OF STATE, OFFICE OF

Consumer Protection, Office of
Cremation forms and inspections; 40 KAR 2:150
Funeral planning declaration form; 40 KAR 2:145
Occupational License Fees
Standard form for occupational license fee return, 30 KAR 7:010

TOURISM, ARTS AND HERITAGE CABINET

Fish and Wildlife Resources, Department of
Boat and motor restrictions; 301 KAR 1:015
Elk quota hunts, elk depredation permits, landowner cooperator permits, and voucher cooperator permits; 301 KAR 2:132
Hunting and trapping seasons and limits for furbearers; 301 KAR 2:251
Small game and furbearer hunting and trapping on public areas; 301 KAR 2:049
Taking of fish by traditional methods; 301 KAR 1:201

TRANSPORTATION CABINET

Department of Aviation
Repeal of 602 KAR 15:010; 602 KAR 15:011
Repeal of 602 KAR 20:090; 602 KAR 20:091
Department of Highways
Repeal of 600 KAR 5:010; 600 KAR 5:011
Repeal of 600 KAR 6:020, 600 KAR 6:030, 600 KAR 6:060; 600 KAR 6:061
Repeal of 603 KAR 1:030; 603 KAR 1:031
Repeal of 603 KAR 4:045; 603 KAR 4:046
Repeal of 603 KAR 5:020, 603 KAR 5:030, 603 KAR 5:080, 603 KAR 5:090, 603 KAR 5:240, 603 KAR 5:301; 603 KAR 5:311
Repeal of 603 KAR 8:010; 603 KAR 8:011
Repeal of 603 KAR 9:020; 603 KAR 9:021
Department of Transportation Delivery
Repeal of 603 KAR 7:010, 603 KAR 7:040, 603 KAR 7:050, 603 KAR 7:060, 603 KAR 7:070; 603 KAR 7:071
Department of Vehicle Regulation
Repeal of 601 KAR 1:025, 601 KAR 1:029, 601 KAR 1:060, 601 KAR 1:075, 601 KAR 1:095, 601 KAR 1:101, 601 KAR 1:110, 601 KAR 1:145, 601 KAR 1:190, and 601 KAR 1:230; 601 KAR 1:231
Repeal of 601 KAR 2:010; 601 KAR 2:011
Repeal of 601 KAR 9:010, 601 KAR 9:020, 601 KAR 9:060, 601 KAR 9:065, 601 KAR 9:095, and 601 KAR 9:105; 601 KAR 9:111
Repeal of 601 KAR 40:010; 601 KAR 40:011
Repeal of 605 KAR 1:010; 605 KAR 1:011

SUBJECT INDEX