September 7, 2018

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

**RE: 9 KAR 1:015. Preadministrative proceedings.**

Dear Co-Chair Harris and Co-Chair Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 9 KAR 1:015, the Executive Branch Ethics Commission proposes the attached amendment to 9 KAR 1:015.

Sincerely,

Kathryn H. Gabhart
Executive Director
Executive Branch Ethics Commission
Capital Complex East
1025 Capital Center Drive, Suite 104
Frankfort, Kentucky 40601
(502) 564-7954
SUGGESTED AMENDMENT

FINANCE AND ADMINISTRATION CABINET
Executive Branch Ethics Commission

9 KAR 1:015. Preadministrative proceedings.

Page 1
RELATES TO
Line 5
After “11A.080”, insert “, 11A.100”.

Page 1
NECESSITY, FUNCTION, AND CONFORMITY
Line 7
After “KRS 11A.110(3)”, insert “requires”.
Delete “provides that”.
Line 8
After “Ethics Commission”, insert “to”.

Page 1
Section 1(1)
Line 13
After “Commission”, insert “means”.
Delete “is”.

Page 1
Section 1(2)
Line 15
After “Complaint”, insert “means”.
Delete “is”.
Line 16
After “KRS”, insert “11A.080(1)(a) and”.
Delete “11A.080(1). A complaint”.

Page 1
Section 2(1)(a)1.
Line 20
After “Complainant;”, insert “and”.

1
Page 2
Section 2(6)
Line 19
    After “KRS 11A.080(2) until”, delete “such time as”.

Page 3
Section 3(3)
Line 6
    After “KRS 11A.080(2) until”, delete “such time as”.

Page 3
Section 4(3)
Line 15
    After “(3)”, delete “Nothing in”.
    Capitalize the “t” in “this”.
    After “section shall”, insert “not”.
Senator Ernie Harris, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
Room 029, Capitol Annex
Frankfort KY 40601


Dear Co-Chair Harris and Co-Chair Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 9 KAR 1:030, the Executive Branch Ethics Commission proposes the attached amendment to 9 KAR 1:030.

Sincerely,

Kathryn H. Gabhart
Executive Director
Executive Branch Ethics Commission
Capital Complex East
1025 Capital Center Drive, Suite 104
Frankfort, Kentucky 40601
(502) 564-7954
SUGGESTED AMENDMENT

FINANCE AND ADMINISTRATION CABINET
Executive Branch Ethics Commission

9 KAR 1:030. Administrative proceedings.

Page 1
RELATES TO
Line 5
After "11A.100", insert ",13B.030-13B.050, 13B.070, 13B.090".

Page 1
NECESSITY, FUNCTION, AND CONFORMITY
Lines 8-17
After "KRS Chapter 11A.", insert the following:
KRS 11A.100(1)(a) exempts the commission from KRS 13B.030(2)(b). KRS 11A.100(1)(b) exempts the commission from KRS 13B.050(1), (2), and (3) when a party fails to file an answer or otherwise participate. KRS 11A.110(3) requires the commission to promulgate administrative regulations to implement KRS Chapter 11A. This administrative regulation establishes procedures to govern administrative proceedings, the designation of hearing officers for the commission, and when a party fails to participate in an administrative proceeding.
Delete the remainder of this paragraph in its entirety.

Page 1
Section 1(1)
Line 18
After "Commission", insert "means".
Delete "is".

Page 1
Section 1(2)
Line 20
After "(2) "Commission", lowercase the "S" in "Secretary".

Page 2
Section 1(3)
Line 1
After "(3) "Executive", lowercase the "D" in "Director".

Page 2
Section 1(4)
Line 3
After ",(4) "Initiating", lowercase the "O" in "Order".

Page 3
Section 4(1)(a)
Line 14
After "in the", lowercase the "I" and "O" in "Initiating Order".

Page 4
Section 6(2)
Line 3
After "as provided", insert "by".
Delete "pursuant to".
Line 4
After "dictated by", delete "the requirements of".

Page 4
Section 6(4)
Line 14
After "is established, the", lowercase the "C" and "S" in "Commission Secretary".

Page 4
Section 7(2)
Line 23
After "KRS", insert "13B.090(7)".
Delete "13B.050(7)".

Page 5
Section 9
Line 13
After "of a hearing or", insert "a related".
Delete "an".
Lines 13-14
After "or law", delete "related thereto".
August 31, 2018

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


Dear Co-Chairs Harris and Hale:


Sincerely,

[Signature]

Darrell D. Johnson, Ph.D., PAS
Executive Director
University of Kentucky Division of Regulatory Services
103 Regulatory Services Building
Lexington, KY 40546-0275

Page 3
Section 9
Line 10

After "swine, sheep,", insert "or".
Delete "and".
Staff-suggested Amendment

Final Version 8/30/2018 1:20 p.m.
AGRICULTURAL EXPERIMENT STATION

12 KAR 2:018. Guaranteed analysis.

Page 14
Section 12(9)
Lines 17 and 18
   After “acid producing microorganisms”, insert “if”.
   Delete “when”.

Page 15
Section 13(1)
Line 3
   After “swine, poultry, fish,”, insert “or”.
   Delete “and”.

Page 15
Section 13(3)
Line 14
   After “mineral or vitamin supplements,”, insert “or”.
   Delete “and”.

12 KAR 2:021. Expression of guarantees.

Page 1
Section 1
Line 14
After "equivalent crude protein from", insert "non-protein".
Delete "nonprotein".

Page 3
Section 3(7)
Line 6
After "benzoic acid, ascorbic acid", insert ".".

Page 4
Section 5(2)(a)
Line 12
After "Complete feeds, supplements", insert ".".

Page 4
Section 5(2)(b)
Line 18
After "Premixes, concentrates", insert ".".
12 KAR 2:026. Ingredients.

Page 1
Section 1
Lines 14 and 16

After “Commercial feeds, other than”, insert “customer-formula”.
Delete “customer formula”.

After “other appropriate statement”, insert “pursuant to”.
Delete “as provided by”.

12 KAR 2:031. Directions for use and precautionary statements.

Page 1  
Section 1(2)(a)  
Line 19  

After “the Federal Food, Drug”, insert “.”.

Page 1
Section 1
Lines 18 and 19

After “such size”, insert “that when placed”.
Delete “so paced”.

After “on the label”, insert “it”.
Delete “that they”.
Staff-suggested Amendment

Final Version 8/30/2018 1:26 p.m.
AGRICULTURAL EXPERIMENT STATION

12 KAR 2:056. List of manufacturers.

Page 1
Section 1
Line 12
After “files of feed manufacturers”, insert “pursuant to”.
Delete “under”.
Staff-suggested Amendment

Final Version 8/30/2018 1:28 p.m.
AGRICULTURAL EXPERIMENT STATION

12 KAR 2:066. Suitability.

Page 2
Section 5
Lines 9 and 10

After “the director may”, insert “."

After “250.091(1) or 250.601(2)”, insert “.”.
September 10, 2018

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

Re: 13 KAR 2:020. Guidelines for admission to the state-supported postsecondary education institutions.

Dear Co-Chairs Harris and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 13 KAR 2:020, the Council on Postsecondary Education proposes the attached amendment to 13 KAR 2:020.

Sincerely,

Travis Powell
General Counsel and
Associate Vice President
Staff-suggested Amendment

Final Version 9/10/2018 10:57 a.m.
COUNCIL ON POSTSECONDARY EDUCATION

13 KAR 2:020. Guidelines for admission to the state-supported postsecondary education institutions.

Page 3
Section 1(11)
Line 2
After "(11) "KCTCS"", insert the following:

is defined by KRS 164.001(13)

Delete the remainder of that subsection except the existing period.

Page 3
Section 1(12)
Line 5
After "personal consultation that", insert "establishes".
Delete "sets forth".

Page 4
Section 3(1)(b)2.
Line 7
After "Section 1(13)(b)", insert "of this administrative regulation".

Page 4
Section 3(2)
Line 17
After "established in Section 3(1)", insert "of this administrative regulation".

Page 5
Section 3(5)
Line 3
After "sections (1) through (4)", insert "of this administrative regulation".

Page 5
Section 5
Line 16
After "program and its mission", insert "established".
Delete "set forth".
September 7, 2018

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

Re: 40 KAR 2:345 – Visual aid glasses seller annual registration requirements

Dear Co-Chair Harris and Co-Chair Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 40 KAR 2:345, the Office of the Attorney General proposes the attached amendment to 40 KAR 2:345.

Sincerely,

ANDY BESHEAR
ATTORNEY GENERAL

cc: Benjamin Long
    Kim Bellamy
    Nicole Sergent

Kevin R. Winstead, Assistant Attorney General
Office of Consumer Protection
kevin.winstead@ky.gov  Direct: (502) 696-5379
Office: (502) 696-5389  Fax: (502) 573-8317
Suggested Amendment
Kentucky Office of the Attorney General
Office of Consumer Protection

40 KAR 2:345. Visual aid glasses seller annual registration requirements.

Page 1
STATUTORY AUTHORITY
Line 7
  After "367.150(4),", delete "367.686, ".

Page 1
NECESSITY, FUNCTION, AND CONFORMITY
Line 19
  After "Kentucky address", delete the remainder of the NECESSITY, FUNCTION,
  AND CONFORMITY paragraph in its entirety.

Page 2
Section 1
Line 2
  After "Seller", delete "Annual".
Line 4
  After "Seller", delete "Annual".

Page 3
Section 2
Line 4
  After "Seller", delete "Annual".

Page 3
Section 3
Line 9
  After "Seller", delete "Annual".

Page 3
Section 4
Line 14
  After "Seller", delete "Annual".

Page 3
Section 6(1)
Line 19
  After "Seller", delete "Annual".

Dear Co-Chairs Harris and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 12:251, the Kentucky Board of Cosmetology proposes the attached amendments to 201 KAR 12:251.

Sincerely,

Julie M. Campbell, Board Administrator

Kentucky Board of Cosmetology

111 St. James Court, St. A, Frankfort, KY 40601
Suggested Amendment
GENERAL GOVERNMENT CABINET
Kentucky Board of Cosmetology


Page 1
AGENCY NAME
Line 2
Change “Kentucky Board of Hairdressers and Cosmetologists” to “Kentucky Board of Cosmetology”.

Page 1
NECESSITY, FUNCTION, AND CONFORMITY
Line 10
After “nail technology, and”, insert “esthetic”.
Delete “esthetics”.
After “practices”, insert a comma.
After “including”, delete “but not limited to”.

Line 11
After “of the public.”, insert the following:
This administrative regulation repeals 201 KAR 12:085, 12:088, 12:120, 12:180, and 12:250, because of recent statutory changes and the consolidation of KRS Chapter 317B into KRS Chapter 317A.

Lines 11-12
After “repealed”, delete “herein”.
After “are”, insert “either obsolete or”.

Line 12
After “201 KAR 12:140,”, insert “201 KAR 12:190.”.
After “and”, insert “201 KAR”. 

1
Aug. 28, 2018

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


Dear Co-Chairs Harris and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 12:280, the Kentucky Board of Cosmetology proposes the attached amendments to 201 KAR 12:280.

Sincerely,

Julie M. Campbell, Board Administrator
Kentucky Board of Cosmetology
111 St. James Court, St. A, Frankfort, KY 40601
Suggested Amendment
GENERAL GOVERNMENT CABINET
Kentucky Board of Cosmetology

201 KAR 12:280. Esthetic practices restrictions.

Page 1
STATUTORY AUTHORITY
Line 6
After “317A.060”, insert “, 317A.130”.

Page 1
Section 1(1)
Line 12
After “by a licensed”, insert “health care”.
Line 13
After “appearance of the skin.”, insert the following:
This includes services such as acid or chemical peels, microdermabrasion, and other forms of exfoliation or resurfacing of a cosmetic nature.

Page 1
Section 1(2)
Line 14
After “(2)”, insert the following:
“Direct supervision” means to be within immediate distance, such as on the same floor, and available to respond when needed.
(3) “Health care practitioner” means any individual certified by the Kentucky Board of Nursing, or the Kentucky Board of Medical Licensure to perform esthetic specialties.
(4)

Page 1
Section 1(2) and Section 1(3)
Lines 15-16
After “esthetician at all times.”, insert “(5)”. Delete “(3)”.

Page 1
Section 1(3) and Section 1(4)
Lines 18-19
After “system.”, insert “(6)”. Delete “(4)”.

1
Page 1
Section 1(4)
Line 21
After "stamps", insert a comma.

Page 2
Section 1(4)(f)
Line 7
After "collagen induction.", insert the following:
(7) "Physician" means a medical doctor licensed by the Kentucky Board of Medical Licensure to perform services within his or her scope of practice.

Page 2
Section 2
Line 10
After "licensed physician.", insert the following:
Medical procedures shall not be performed by an esthetics or cosmetology licensee. Services under the direct supervision of a licensed health care practitioner shall fall within the category of cosmetic resurfacing exfoliating procedures.

Page 2
Section 3(1)
Line 12
After "device", insert "shall".
Delete "must".

Page 2
Section 3(2)
Line 17
After "systems", insert "shall not be used".
Delete "are prohibited for use".

Page 2
Section 4(1)
Line 18
After "acid or acid solution", insert a comma.

Line 19
After "those listed", insert the following:
in subsection (2) of this section shall not be used

Lines 19-20
Delete "below are prohibited".

Line 20
After "unless", delete "used".
After “under the”, insert “direct”.

Page 2
Section 4(2)
Line 21
After “following acids”, insert the following:
or acid solutions shall not be used
Delete “are prohibited”.
After “unless”, delete “used”.
After “under the”, insert “direct”.

Page 3
Section 4(2)(f)
Line 7
After “(50) percent”, insert “shall”.
Delete “must”.

Page 3
Section 4(2)(h)
Line 11
After “acid exfoliation”, insert “may”.
Delete “can”.
Lines 11-12
After “under the”, insert “direct”.
Delete “general”.

Page 3
Section 4(3)
Line 14
After “basic esthetician”, insert “shall”.
Delete “does”.
Line 15
After “, but”, insert “shall”.
Delete “does”.

Page 3
Section 4(4)
Lines 20-21
After “under the”, insert “direct”.
Delete “general”.

Page 4
Section 4(6)
Line 6
After “required by”, lowercase the first letter of “Subsection”.
After “subsection”, insert “(5) of this section”.
Delete “(4)”.

Page 4
Section 4(7)
Line 10
After “accordance with”, lowercase the first letter of “Subsection”.
After “subsection (5)”, insert “of this section”.

Page 4
Section 6 and Section 6(a)
Lines 20-21
After “client that:“, insert “(1)”.
Delete “(a)“.

Page 4
Section 6(a) and Section 6(b)
Lines 21-22
After “purposes; and”, insert “(2)”.
Delete “(b)”.

Page 4
Section 6(b)
Line 22
After “procedures shall be”, insert “disclosed prior to application”.
Delete “divulged”.

Page 5
Section 7(2)
Line 4
After “prohibited”, insert a comma.
September 5, 2018

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

Re: 201 KAR 20:490. Licensed practical nurse infusion therapy scope of practice.

Dear Co-Chairs Harris and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 20:490, the Kentucky Board of Nursing proposes the attached amendment to 201 KAR 20:490.

Sincerely,

\[signature\]

NATHAN GOLDMAN, GENERAL COUNSEL
KENTUCKY BOARD OF NURSING
312 WHITTINGTON PARKWAY, SUITE 300
LOUISVILLE, KY 40222

NG/ml
Enclosures
Suggested Amendment
GENERAL GOVERNMENT CABINET
Board of Nursing

201 KAR 20:490. Licensed practical nurse infusion therapy scope of practice.

Page 1
STATUTORY AUTHORITY
Line 7
After “314.131(1)”, delete “, 314.011(10)(c)”.

Page 3
Section 1(5)
Line 1
After “Peripheral”, insert “venous”.

Page 3
Section 1(8)
Line 14
After “licensed physician”, insert a comma.

Page 3
Section 1(9)
Line 19
After “licensed physician”, insert a comma.

Page 4
Section 2(2)
Line 20
After “based on” insert “the”.
Delete the opening quotation marks.
After “Infusion”, insert “Therapy”.
Delete “Nursing”, and the closing quotation marks.
After “and”, immediately following, insert “the”.
Delete the opening quotation marks.

Line 21
After “of Practice”, delete the closing quotation marks.

Page 5
Section 2(2)(f)
Line 8
After “and procedures for”, insert “site maintenance for a”.
After “access device and”, insert “a”.

Lines 8-9
After “central venous access”, insert “device”.

1
Line 9
Delete “site maintenance”.

Page 11
Section 6(1)(a)
Line 15
After “Infusion”, insert “Therapy”.
Delete “Nursing”.
September 4, 2018

Senator Ernie Harris, Co-Chair
Representative David Hale, Co-Chair


Dear Co-Chairs Harris and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 22:170, the Kentucky Board of Physical Therapy proposes the attached amendment to 201 KAR 22:170.

Sincerely,

Louis D. Kelly, General Counsel
Kentucky Board of Physical Therapy
312 Whittington Parkway, Suite 102
Louisville, KY 40222
Suggested Amendment
GENERAL GOVERNMENT CABINET
Board of Physical Therapy


Page 1
NECESSITY, FUNCTION, AND CONFORMITY

Line 10
After “KRS”, delete “Chapter”.

Line 12
After “This administrative regulation”, insert “incorporates by reference”.
Delete “sets forth”.
After “the rules”, insert “and bylaws”.
September 5, 2018

Senator Ernie Harris, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
Room 29, Capitol Annex
Frankfort, Kentucky 40601

Re: 301 KAR 1:201, Taking of fish by traditional fishing methods.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 301 KAR 1:201, the Department of Fish and Wildlife Resources proposes the attached amendment to 301 KAR 1:201.

Sincerely,

Mark S. Cramer
Regulations Coordinator
Staff-suggested Amendment

Version 9/5/2018 1:42 p.m.
TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife

301 KAR 1:201. Taking of fish by traditional fishing methods.

Page 1
Administrative Cabinet paragraph
Line 1
   After “TOURISM, ARTS AND HERITAGE”, insert “CABINET”.

Page 24
Section 7(1)
Line 15
   After “Special Lakes and Ponds list”, insert “;”.
   Delete “.”.
September 5, 2018

Senator Ernie Harris, Co-Chair
Representative David Hale, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
Room 29, Capitol Annex
Frankfort, Kentucky 40601

Re: 301 KAR 1:410, Taking of fish by nontraditional fishing methods.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 301 KAR 1:410, the Department of Fish and Wildlife Resources proposes the attached amendment to 301 KAR 1:410.

Sincerely,

Mark S. Cramer
Regulations Coordinator
301 KAR 1:410. Taking of fish by nontraditional fishing methods.

Page 1
Administrative Cabinet paragraph
Line 1
After “TOURISM, ARTS AND HERITAGE”, insert “CABINET”.
September 7, 2018

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

Re: 400 KAR 1:040, Administrative Discovery; 400 KAR 1:090, Administrative Hearings Practice Provisions; 400 KAR 1:100, General administrative hearing practice provisions relating to matters brought under KRS Chapters 146, 149, 151, 223, and 224; 400 KAR 1:110, Administrative hearings and assessment conferences relating to matters brought under KRS Chapter 350 relating to surface coal mining and reclamation operations, and coal exploration operations.

Dear Co-Chair Harris and Co-Chair Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 400 KAR 1:040, 400 KAR 1:090, 400 KAR 1:100, and 400 KAR 1:110, the Department for Natural Resources proposes the attached amendments to 400 KAR 1:040, 400 KAR 1:090, 400 KAR 1:100, and 400 KAR 1:110.

Sincerely,

Michael S. Mullins
Regulation Coordinator
Suggested Amendment

Final Version: 9/7/2018 10:00:02 AM

ENERGY AND ENVIRONMENT CABINET
Office of the Secretary

400 KAR 1:040 & E. Administrative discovery.

Page 1
Section 1(1)
Line 17
After “the following methods”, insert the following:
which shall not be limited except as established in subsection (3) of this section

Page 2
Section 1(1)(d)
Lines 1 and 2
After “Requests for admission.”, delete the remainder of paragraph (d) in its entirety.

Page 2
Section 1(2)(a)
Line 4
After “(a)”, insert “1.”.
Delete “In general.”
Line 9
After “custody, condition”, insert a comma.
Line 10
After “any discoverable matter.”, insert “2.”.
After “It”, insert “shall not be”.
Delete “is not”.

Page 2
Section 1(2)(b)
Line 15
After “of a judgment”, insert “that”.
Delete “which”.

Page 2
Section 1(2)(c)
Line 17
After “(c) Hearing preparation”, insert a semicolon.
Delete the colon.
Page 2
Section 1(2)(c)1.
Line 23
After "the preparation of", insert "the".
Delete "his".
After "case and that", insert "the party".
Delete "he".

Page 3
Section 1(2)(c)1.
Line 1
After "ordering discovery of", insert "these".
Delete "such".
Lines 1 and 2
After "materials", insert "if".
Delete "when".

Page 3
Section 1(2)(c)2.
Line 5
After "the required showing", insert a comma.
Line 7
After "the required showing", insert a comma.

Page 3
Section 1(2)(d)
Line 13
After "(d) Hearing", insert "preparation.".
Delete "preparations:".
Line 15
After "obtained only as", insert the following:
   established in subparagraphs 1. and 2. of this paragraph.
Delete "follows:".

Page 3
Section 1(2)(d)1.
Line 16
After "may through interrogatories", insert a comma.

Page 4
Section 1(3)(a)
Line 8
After "make any order", insert "that".
Delete "which".
Page 5
Section 1(3)(b)
Line 3
After "this administrative regulation", insert "shall".

Page 5
Section 1(5)
Line 10
After "complete when made", insert "shall not be".
Delete "is".
After "under", delete "no".

Line 11
After "acquired, except as", insert the following:
established in paragraphs (a) through (c) of this subsection.
Delete "follows:"

Page 5
Section 1(5)(a)
Line 12
After "(a) A party", insert "shall timely".
Delete the following:
is under a duty seasonably to

Page 5
Section 1(5)(b)
Line 17
After "(b) A party", insert "shall timely".
Delete the following:
is under a duty seasonably to

Page 6
Section 2
Line 2
After "clerk, commissioner", insert a comma.

Lines 2 and 3
After "public, or before", insert "another person".
Delete "such other persons".

Line 3
After "other circumstances", delete "as shall be".

Page 6
Section 3
Line 5
After "agreement, provide that", insert "(1)".
Capitalize the first letter of "depositions".
Lines 6 and 7
   After "like other depositions", insert a semicolon.
   Delete the comma.
Line 7
   After "and", insert "(2)".
   Capitalize the first letter of "modify".

Page 6
Section 4(1)
Line 13
   After "appropriate jurisdiction and on", delete "such".

Page 7
Section 4(2)(b)
Line 1
   After "for cause shown", insert a comma.

Page 7
Section 4(2)(e)
Line 12
   After "in a subpoena", insert a comma.
Line 15
   After "officers, directors,", delete "or".
Lines 17 and 18
   After "duty to make", insert "the".
   Delete "such a".

Page 8
Section 4(3)(a)
Line 4
   After "transcribed at", insert "the requesting".
   Delete "that".

Page 8
Section 4(4)
Line 14
   After "faith or in", insert "a".
   Delete "such".

Page 8
Section 4(5)
Line 23
   After "the witness. In", insert "this event".
   Delete "such an event".
Page 9
Section 4(5)
Line 2
After “form or substance”, insert “that”. Delete “which”.

Page 10
Section 4(7)(a)
Line 8
After “to pay to”, insert “the other party.”. Delete “such other party”.

Page 10
Section 4(7)(b)
Line 12
After “the witness because of”, insert “the”. Delete “such”.
Line 14
After “to pay to”, insert “the other party.”. Delete “such other party”.

Page 10
Section 5(1)(a)
Line 21
After “appropriate jurisdiction on”, delete “such”.

Page 11
Section 5(2)
Line 11
After “Section 4(3), (5)”, insert a comma.
Line 13
After “and the questions”, delete “which were”. After “Neither party agent”, delete the comma.

Page 11
Section 6(1)
Line 18
After “any of the”, delete “following”. After “provisions”, insert the following:

established in paragraphs (a) through (e) of this subsection.
Delete the colon.
Section 6(1)(b)

Line 22
After "officer, director,"; delete "or".

Line 23
After "corporation, partnership"; insert a comma.

Section 6(1)(b)

Line 1
After "or governmental agency"; insert "that is a party.",
Delete "which is a party".

Section 6(1)(c)4.

Line 11
After "of the state"; delete "or".

Line 12
After "of a court"; delete "or".
After "is a postmaster"; delete "or".

Lines 12 and 13
After "president, cashier, teller"; insert a comma.

Line 13
After "of a bank"; delete "or".
After "physician, dentist"; insert ", or attorney".
Delete "or lawyer".

Line 14
After "keeper, officer"; insert a comma.

Section 6(1)(c)8.

Line 19
After "officer finds that"; delete "such".

Section 6(1)(d)

Line 2
After "any other party"; insert "that".
Delete "which".

Section 6(2)

Line 6
After "for any reason"; insert "that".
Delete "which".
After “evidence admissible”, insert “that”. Delete “which”.

After “taking a deposition”, insert “shall be”. Delete “are”.

After “to be taken”, insert “shall be”. Delete “is”.

After “materiality of testimony”, insert “shall not be”. Delete “are not”.

After “is one (1)”, insert “that”. Delete “which”.

After “of any kind”, insert “that”. Delete “which”.

After “promptly presented,”, insert “shall be”. Delete “are”.

After “waived unless”, insert “timely”. Delete “seasonable”.

After “of written questions”, insert “shall be”. Delete “are”.
Page 14
Section 6(4)(d)
Line 11
After “this administrative regulation”, insert “shall be”.
Delete “are”.

Page 14
Section 7(1)(a)
Line 17
After “who shall furnish”, insert “the”.
Delete “such”.

Line 19
After “interrogatories, answers”, insert a comma.

Page 15
Section 7(1)(b)
Line 2
After “service or within”, insert “the”.
Delete “such”.

Page 15
Section 7(1)(c)
Line 7
After “each other party”, insert a period.
Delete the semicolon.
Capitalize the first letter of “for”.

Page 15
Section 7(2)(a)
Line 17
After “to any matters”, insert “that”.
Delete “which”.

Page 15
Section 7(2)(b)
Line 22
After “may order that”, delete “such”.

Page 16
Section 7(3)
Line 3
After “produce business records.”, insert “If”.
Delete “Where”.

8
Line 5
After "an examination, audit", insert a comma.
After "or inspection of", delete "such".

Line 6
After "compilation, abstract", insert a comma.

Line 7
After "the party served, it", insert "shall be".
Delete "is".

Line 8
After "sufficient answer to", delete "such interrogatory to".

Page 16
Section 8(1)(b)
Line 19
After "any tangible things", insert "that".
Delete "which".

Line 20
After "administrative regulation and", insert "that".
Delete "which".

Lines 20 and 21
After "the possession, custody", insert a comma.

Line 21
After "request is served.", delete "However, ".
Capitalize the first letter of "this".

Page 17
Section 9(2)
Line 17
After "(2) Each matter", insert "for".
Delete "of".

Lines 17 and 18
After "forth. The matter", insert "shall be".
Delete "is".

Line 18
After "request, or within", delete "such".

Line 20
After "is directed", insert "shall serve".
Delete "serves".

Page 18
Section 9(2)
Line 1
After "requested admission, and", insert "if".
Delete "when".
After “of the matter”, insert “for”.
Delete “of”.

After “An answering party”, insert “shall”.
Delete “may”.

After “that a matter”, insert “for”.
Delete “of”.

After “to Make Discovery”, insert a semicolon.
Delete the colon.

After “compelling discovery as”, insert the following:
established in paragraphs (a) through (c) of this subsection.
Delete “follows:”.

After “without administrative action.”, insert “If”.
Delete “When”.

After “the examination before he”, insert “or she”.

After “officer may make”, insert “a”.
Delete “such”.

After “of this section”, insert a comma.

After “or incomplete answer”, insert “shall”.
Delete “is to”.
Page 20
Section 10(1)(c)
Line 2
After "or attorney advising", insert "the".
Delete "such".

Page 20
Section 10(2)(a)
Line 15
After "an officer, director," delete "or".

Lines 15 and 16
After "of a party", insert a comma.

Lines 18 and 19
After "officer may make", insert the following:

an order regarding the failure if appropriate. The order may include:

Delete the following:
such orders in regard to the failure as are just and among others the following:

Page 21
Section 10(2)(a)2.
Line 2
After "matters in evidence;", insert "or".

Page 21
Section 10(3)
Line 17
After "this administrative regulation," delete "or".

Line 18
After "substantial importance," delete "or".

Page 21
Section 10(4)(a)
Line 22
After "officer, director," delete "or".
After "of a party", insert a comma.

Page 22
Section 10(4)(a)
Line 1
After "is to take", insert "the".
Delete "his".

Line 5
After "motion may make", delete "such".
Lines 6 and 7
After “action authorized under”, delete the following:
subparagraphs 1, 2, and 3 of

Line 7
After “subsection (2)(a)”, insert “1. through 3.”.

Page 22
Section 10(5)
Line 14
After “and attorney’s fees”, insert “shall”.
Delete “are”.
After “not”, delete “to”.
Suggested Amendment

Final Version: 9/7/2018 9:23 AM

ENERGY AND ENVIRONMENT CABINET
Office of the Secretary

400 KAR 1:090 & E. Administrative hearings practice provisions.

Page 8
Section 5
Line 11
After “353 shall be”, insert “as established”.
Delete “found”.

Page 33
Section 24(1)
Line 18
After “initiating document and”, insert “as established in”.

Page 33
Section 24(2)(a)
Line 20
After “the respondent that”, insert “: 1.”.
Capitalize the first letter of “an”.
After “against the respondent”, insert a semicolon.

Line 21
After “and”, insert “2.”.
Capitalize the first letter of “unless”.
After “is timely served,”, insert the following:
the respondent shall be subject to

Lines 21 and 22
After “the respondent’s interest”, delete “may be taken

Page 34
Section 24(3)
Line 5
After “pursuant to one”, insert “(1)”.
After “of the methods”, insert “established”.

Line 6
After “and subsection (4)”, insert “of this section”.
Page 34
Section 24(3)(b)
Line 13
   After “or, if none”, insert a comma.
   Delete the semicolon.

Page 35
Section 24(3)(d)
Line 1
   After “serving an officer”, insert a comma.
   Delete “or”.

Page 36
Section 24(3)(j)
Line 6
   After “or a prisoner”, insert the following:
       If the service is made, it shall be made as established
   Delete “, by the method stated”.

Page 36
Section 24(4)(b)
Line 21
   After “a similar entry”, insert “once”.
   Delete “when”.

Page 37
Section 24(4)(c)
Line 1
   After “in the record”, insert a period.
   Delete the semicolon.
Suggested Amendment

Final Version: 9/7/2018 12:40 PM

ENERGY AND ENVIRONMENT CABINET
Office of the Secretary

400 KAR 1:100 & E. General administrative hearing practice provisions relating to matters brought under KRS Chapters 146, 149, 151, 223, 224, and 353.

Page 2
Section 3(1)(a)1.
Line 16
After “223, 224,”, insert “or”.

Page 2
Section 3(1)(a)2.
Line 17
After “402”, insert “, or”.
After “805”, insert “KAR”.
After “Chapter 1;”, insert “or”.

Page 10
Section 6(1)
Line 3
After “151.186, 224.10-470,”, insert “or”.

Page 13
Section 9(1)
Line 5
After “of the party”, insert “that”.
Delete “which”.

Page 13
Section 9(2)
Line 11
After “from the premises”, insert a comma.

Line 12
After “of sealed materials”, insert “shall be”.
Delete “is”.
After “prohibited.”, delete “Such”.
Capitalize the first letter of “inspections”.

Line 15
After “persons who inspect”, delete “such”.

1
Page 13
Section 9(4)
Line 21
After “the hearing officer,”, lowercase the first letters of “Secretary” and
“Commission”.

Line 22
After “though sealed evidence”, insert “shall”.
Delete “must”.

Line 23
After “in camera and”, insert “shall”.
Delete “may”.

Page 14
Section 9(4)(a) and (b)
Lines 1 and 2
After each paragraph notation, capitalize the first letter of each first word.

Page 14
Section 10(2)(c)
Line 20
After “motion or his”, insert “or her”.

Page 15
Section 10(2)(c)
Line 1
After “the person waived”, insert “the”.
Delete “his”.

Page 15
Sections 10(4) and 10(4)(a)
Lines 5 and 6
After “or responsive pleading.”, delete “(a)”.

Page 15
Section 10(5)(a)
Line 12
After “with KRS 353.050”, insert a comma.

Line 13
After “and”, delete “thereupon”.

Page 15
Section 10(5)(b)
Line 17
After “KRS”, insert “Chapter”.
After “353”, delete “and in compliance therewith”.

2
Page 15
Section 10(6)(a)
Line 21
   After "may, at his", insert "or her".

Page 16
Section 10(6)(b)
Line 2
   After "dismissing the petition", insert "because".
   Delete "since".

Page 16
Section 10(6)(c)
Line 5
   After "to have waived", insert "the".
   Delete "his".

Line 6
   After "dismissing the petition", insert "because".
   Delete "since".
Suggested Amendment
Final Version: 9/7/2018 10:13 AM
ENERGY AND ENVIRONMENT CABINET
Office of the Secretary

400 KAR 1:110 & E. Administrative hearings relating to matters brought under KRS Chapter 350 or KRS [Chapter] 351.310 through 351.375.

Page 1
TITLE
Line 5
After "350 or KRS", delete “Chapter”.

Page 1
NECESSITY, FUNCTION, AND CONFORMITY
Line 14
After "promulgate rules and", insert “administrative”.
Line 16
After "rules and", insert “administrative”.
Lines 16 and 17
After “This administrative regulation”, insert “establishes”.
Delete “sets forth”.
Line 18
After “program under KRS”, insert “Chapter”.
Line 19
After “pursuant to KRS”, insert “Chapter”.

Page 2
Section 1(6)
Line 4
After “is defined by”, delete “405 KAR 7:001 and”.

Page 2
Section 1(9)
Line 8
After “is defined”, insert “by”.
Delete “in”.

Page 2
Section 1(10)
Line 9
After “is defined”, insert “by”.
Delete “in”.

1
Section 1(11) Through (13)
Lines 10 through 12
After "(11)", delete the remainder of subsection (11), delete subsection (12) in its entirety, and delete the notation, "(13)".

Section 1(14) and (15)
Lines 13 and 14
Renumber subsections (14) and (15) as subsections (12) and (13), respectively.

Section 1(15)
Line 14
After "is defined", insert "by".
Delete "in".

Section 1(15) and (16)
Lines 14 and 15
After "KRS 350.010(21)", insert "(14)".
Delete "(16)".

Section 1(16)
Line 15
After "is defined", insert "by".
Delete "in".

Section 1(16) and (17)
Lines 15 and 16
After "KRS 350.010(12)", insert "(15)".
Delete "(17)".

Section 1(17)
Line 16
After "is defined", insert "by".
Delete "in".

Section 1(17) and (18)
Lines 16 and 17
After "KRS 350.010(11)", insert "(16)".
Delete "(18)".
Page 21
Section 1(18) through (20)
Lines 17 through 19
After "405 KAR 7:001.", insert "(17)".
Delete subsection (19) in its entirety and delete the notation "(20)".

Page 21
Section 1(21) and (22)
Lines 21 and 22
Renumber subsections (21) and (22) as subsections (18) and (19), respectively.

Page 2
Section 2
Line 23
After "regulation shall govern", insert the following:
the conduct by the cabinet of all administrative hearings

Page 3
Section 2(a) and (b) (Should Have Been Section 2(1) and (2))
Lines 1 and 5
Renumber paragraphs (a) and (b) as subsections (1) and (2), respectively.

Page 3
Section 2(a) (Should Have Been Section 2(1))
Line 1
After "(a)", delete the following:
The conduct by the cabinet of all administrative hearings
Capitalize the first letter of "and".

Page 3
Section 2(a) (Should Have Been Section 2(1))
Line 4
After "August 4, 2017", insert ", and".
Delete the period.

Page 3
Section 2(b) (Should Have Been Section 2(2))
Line 5
After "(b)", delete the following:
The conduct by the cabinet of all administrative hearings
Capitalize the first letter of "authorized".

Page 3
Section 3(3)
Line 22
After "(3) Service", lowercase the first letter of "Method".
Page 4
Section 3(3)(b)1.
Line 7
   After “1.”, insert "A service method established".
   Delete “Service methods authorized”.
   After “400 KAR 1:090,”, capitalize the first letter of “section”.

Page 4
Section 3(3)(b)2.
Line 8
   After “2.”, delete “By”.
   Capitalize the first letter of “electronic”.

Page 4
Section 3(3)(c)
Line 9
   After “400 KAR 1:090,”, capitalize the first letter of “section”.

Page 5
Section 3(4)(a)2.
Line 4
   After “violation pursuant to”, capitalize the first letter of “section”.

Page 5
Section 3(4)(b)2.
Line 17
   After “violation pursuant to”, capitalize the first letter of “section”.

Page 6
Section 3(4)(c)
Line 2
   After “assessment conference”, insert "within thirty (30) days”.

Page 6
Section 3(4)(c)1.
Line 3
   After “1.”, delete “Within thirty (30) days”.
   Capitalize the first letter of “of”.

Page 6
Section 3(4)(c)2.
Line 5
   After “2.”, delete “Within thirty (30) days”.
   Capitalize the first letter of “from”.
Line 6
After “unclaimed or refused”, insert a period.
Delete “; or”.

Page 6
Section 3(4)(d)1.
Line 9
After “in accordance with”, capitalize the first letter of “section”.
Line 11
After “in accordance with”, insert “Sections”.
Delete “section”.

Page 6
Section 3(4)(d)2.
Line 13
After “hearing commenced under”, capitalize the first letter of “section”.

Page 6
Section 3(5)
Line 18
After “accordance with”, capitalize the first letter of “section”.
Line 20
After “order pursuant to”, insert “paragraph”.
Delete “paragraphs”.

Page 6
Section 3(5)(a)
Line 22
After “violation pursuant to”, capitalize the first letter of “section”.

Page 7
Section 3(5)(a)2.
Line 4
After “of the violation”, insert “shall be”.
Delete “is”.

Page 7
Section 3(5)(a)3.
Line 5
After “The proposed penalty”, insert “shall be”.
Delete “is”.

Page 7
Section 3(5)(b)
Line 8
After “violation pursuant to”, capitalize the first letter of “section”.

5
Page 7
Section 3(5)(b)2.
Line 13
After “The proposed penalty”, insert “shall be”.
Delete “is”.

Page 8
Section 4(2)(a)
Line 15
After “KAR 1:090,”, capitalize the first letter of “section”.

Page 9
Section 4(6)
Line 14
After “scheduled assessment conference”, insert a comma.

Page 9
Section 4(7)
Line 17
After “hearing commenced under”, insert “Section”.
Delete “Sections”.
After “this administrative regulation,”, delete “no”.
Line 18
After “assessment conference shall”, insert “not”.

Page 9
Section 4(8)(a)
Lines 22 and 23
After “officer’s recommended penalty”, insert the following:
A petition shall comply with
Delete the following:
pursuant to the requirements of
Capitalize the first letter of “section”.

Page 10
Section 4(8)(b)
Line 1
After “to request under”, capitalize the first letter of “section”.

Page 10
Section 4(9)
Line 4
After “in accordance with”, capitalize the first letter of “section”.
Line 6
After "order pursuant to", insert "paragraph".
Delete "paragraphs".

Page 10
Section 4(9)(a)
Line 8
After "violation pursuant to", delete the extra space(s) and capitalize the first letter of "section".

Page 10
Section 4(9)(a)2.
Line 13
After "of the violation", insert "shall be".
Delete "is".

Page 10
Section 4(9)(a)3.
Line 14
After "The proposed penalty", insert "shall be".
Delete "is".

Page 10
Section 4(9)(b)
Line 17
After "violation pursuant to", capitalize the first letter of "section".

Page 10
Section 4(9)(b)2.
Line 22
After "The proposed penalty", insert "shall be".
Delete "is".
Line 23
After "of the violation", insert a period.
Delete the semicolon.

Page 11
Section 5(1)(a)1.
Line 3
After "KRS Chapter 350", insert "or".
Delete the comma.

Page 11
Section 5(1)(a)6.
Line 15
After "405 KAR 10:050," capitalizes the first letter of "section".
Page 12
Section 5(2)
Lines 7 and 8
   After "in accordance with", capitalize the first letter of "section".

Page 12
Section 5(2)(b)1.
Line 20
   After "KRS 351.315;", delete "or".

Page 12
Section 5(2)(b)2.
Line 21
   After "KRS 351.350;", insert "or".

Page 15
Section 5(5)(a)
Line 2
   After "may on his", insert "or her".

Lines 3 and 4
   After "to have waived", insert "the".
   Delete "his".

Page 15
Section 5(5)(c)
Line 10
   After "to have waived", insert "the".
   Delete "his".

Page 15
Section 6(2)(a)
Line 18
   After "Conference pursuant to", capitalize the first letter of "section".

Page 15
Section 6(2)(a)2.
Line 22
   After "undeliverable, unclaimed", insert a comma.

Page 16
Section 6(2)(b)
Lines 1 and 2
   After "conference pursuant to", capitalize the first letter of "section".
Page 16
Section 6(2)(d)
Line 9
After "motion or his", insert "or her".

Line 12
After "accordance with", capitalize the first letter of "section".

Page 17
Section 6(4)(c)
Line 9
After "a waiver of", insert "that".
Delete "such".

Page 17
Section 6(5)(c)
Line 23
After "to be filed", insert ", which".

Page 18
Section 6(7)(a)
Line 6
After "may at his", insert "or her".

Line 7
After "to have waived", insert "the".
Delete "his".

Page 18
Section 6(7)(b)
Line 10
After "in conformity with", capitalize the first letter of "section".

Page 18
Section 6(7)(c)
Line 13
After "to have waived", insert "the".
Delete "his".

Lines 14 and 15
After "in conformity with", capitalize the first letter of "section".

Page 18
Section 6(8)
Line 17
After "shall incorporate in", insert "the".
Delete "his".
After "405 KAR 7:095,", capitalize the first letter of "section".

After "undeliverable, unclaimed", insert a comma.

After "motion or his", insert "or her".

After "this section finding", insert "that".
After "the person waived", insert "the".
Delete "his".

After "or cessation order", insert "that".
Delete "which".

After "abate the violation", insert "that".
Delete "which".

After "order, the petitioner", insert "shall".
Delete "must".

After "of subsection (2)", insert "of this section".

After "or cessation order", insert "shall be".
Delete "is".
Page 22
Section 7(7)(a)
Line 7
After “at his”, insert “or her”.
After “or upon motion,”, delete “shall”.

Line 8
After “to have waived”, insert “the”.
Delete “his”.

Page 22
Section 7(7)(c)
Line 14
After “to have waived”, insert “the”.
Delete “his”.

Page 23
Section 8
Line 2
After “having an interest”, insert “that”.
Delete “which”.

Page 23
Section 8(1)(c)
Line 10
After “hearing pursuant to”, capitalize the first letter of “section”.

Page 23
Section 8(2)(b)
Line 17
After “motion or his”, insert “or her”.

Line 20
After “or person waived”, insert “the”.
Delete “his”.

Page 24
Section 8(4)(c)
Line 19
After “a waiver of”, insert “that”.
Delete “such”.

Page 25
Section 8(7)(a)
Line 15
After “may, at his”, insert “or her”.

11
Line 16
After "to have waived", insert "the".
Delete "his".

Page 25
Section 8(7)(b)
Line 19
After "petitioner has waived", insert "the".
Delete "his".

Page 25
Section 8(7)(c)
Line 23
After "petitioner has waived", insert "the".
Delete "his".

Page 26
Section 8(8)(a)1.
Line 3
After "seeking review, he", insert "or she".

Page 27
Section 8(8)(e)1.
Line 18
After "seeking review, he", insert "or she".

Page 28
Section 9(1)
Line 4
After "considers himself", insert "or herself".

Page 28
Section 9(2)(c)
Line 14
After "motion or his", insert "or her".

Page 29
Section 9(4)(c)
Line 11
After "a waiver of", insert "that".
Delete "such".

Page 30
Section 9(7)(a)
Line 7
After "may, at his", insert "or her".
Line 8
After “have waived”, insert “the”.
Delete “his”.

Lines 8 and 9
After “hearing and why”, insert “the”.
Delete “his”.

Page 30
Section 9(7)(b)
Line 11
After “petitioner has waived”, insert “the”.
Delete “his”.

Page 30
Section 9(7)(c)
Line 14
After “to have waived”, insert “the”.
Delete “his”.
Line 15
After “finding that he”, insert “or she”.
After “has waived”, insert “the”.
Delete “his”.

Page 30
Section 10(1)(a)
Line 22
After “405 KAR 12:020,”, capitalize the first letter of “section”.

Page 31
Section 10(2)(a)
Lines 13 and 14
After “405 KAR 12:020,”, capitalize the first letter of “section”.

Page 32
Section 10(4)
Lines 6 and 7
After “405 KAR 12:020,”, capitalize the first letter of “section”.

Page 32
Section 10(5)
Line 15
After “to have waived”, insert “the”.
Delete “his”.
Page 33
Section 11(1)
Line 1
After "Temporary Relief Available.", insert the following:
   Except as established in subsection (2) of this section and
Lowercase the first letter of "Pending".
Line 3
   After "temporary relief from", delete "a".

Page 33
Section 11(4)(b)
Line 22
   After "forth reasons why", delete "such".

Page 34
Section 11(5)(a)
Line 11
   After "400 KAR 1:090;", insert a space and capitalize the first letter of "section".

Page 38
Section 12(3)(c)
Line 11
   After "a waiver of", insert "that".
   Delete "such".

Page 40
Section 13(3)
Line 21
   After "the hearing officer", insert a period.

Page 41
Section 14(1)
Line 3
   After "or 350.0305", insert a comma.
Senator Ernie Harris, Co-Chair
Representative David Hale, Co-Chair
Administrative Regulation Review Subcommittee
c/o Emily Caudill, Regulations Compiler
Legislative Research Commission
Room 29, Capitol Annex
Frankfort, KY 40601

September 7, 2018

RE: 401 KAR 5:002 Definitions for 401 KAR Chapter 5
   401 KAR 5:005 Permits to construct, modify, or operate a facility
   401 KAR 5:006 Wastewater planning requirements for regional planning agencies
   401 KAR 5:015 Releases to be reported to the division
   401 KAR 5:037 Groundwater protection plans
   401 KAR 5:045 Treatment requirements; compliance; biochemically degradable wastes
   401 KAR 5:055 Scope and applicability of the KPDES Program and pretreatment requirements
   401 KAR 5:075 Cabinet review procedures for KPDES permits and permit timetables for 401 KAR Chapter 5
   401 KAR 5:320 Wastewater Laboratory Certification Program

Dear Co-Chairs Harris and Hale,


Sincerely,

Peter T. Goodmann, Director
Division of Water

PTG/cjc
Suggested Amendment

Final Version: 9/5/2018 10:47 AM

ENERGY AND ENVIRONMENT CABINET
Department for Environmental Protection
Division of Water

401 KAR 5:002. Definitions for 401 KAR Chapter 5.

Page 5
Section 1(21)
Line 4
After “liquid measure or”, insert “100”.
Delete “one hundred (100)”.

Page 5
Section 1(24)
Line 11
After “wastewater laboratory”, insert “complies with”.
Delete “meets”.

Page 9
Section 1(54)
Line 12
After “the cabinet to”, insert “comply with”.
Delete “meet”.

Page 11
Section 1(60)
Lines 7 and 8
After “analysis, regardless of”, insert “if”.
Delete “whether”.

Page 11
Section 1(65)
Lines 22 and 23
After “analysis, regardless of”, insert “if”.
Delete “whether”.
Page 12
Section 1(69)
Line 9
    After ""Groundwater pollution" means", insert quotation marks around "water
    pollution".
    After "as defined", insert "by".
    Delete "in".

Page 13
Section 1(77)
Line 17
    After "the wastewater laboratory", insert "complies with".
    Delete "meets".

Page 16
Section 1(96)
Line 14
    After "unloading area means", insert "an area".
    Delete "areas".

Page 20
Section 1(120)
Line 20
    After "and on-site system", insert a closing quotation mark.

Page 26
Section 1(164)
Line 20
    After "or other places", insert a comma.
    After "industrial wastes or", insert "underground".
    Delete "groundwater".
Lines 20 and 21
    After "surface", insert ", storm".
    Delete "water, stormwater".
Line 21
    After ", or other water", delete the comma.
Suggested Amendment
Final Version: 9/5/2018 10:53 AM
ENERGY AND ENVIRONMENT CABINET
Department for Environmental Protection
Division of Water

401 KAR 5:005. Permits to construct, modify, or operate a facility.

Page 11
Section 4(2)(a)
Line 13
After "applicant demonstrates that", insert "the: 1.".
Delete "the".
Capitalize the first letter of "proposed".

Line 15
After "wastewater treatment plant", insert a semicolon.
Delete the comma.

Line 16
After "and", insert "2.".
Delete "that the".
Capitalize the first letter of "wastewater".
After "treatment plant discharge", insert "shall".
Delete "will".

Page 18
Section 7(1)(b)
Line 7
After "may be required", insert "if".
Delete "when".

Page 24
Section 9(2)(a)
Line 11
After "potential overload condition", insert "established".
Delete "identified".

Page 24
Section 9(2)(b)
Line 13
After "the additional flow", insert "shall".
Delete "will".
Page 29  
Section 11(1)(c)3.  
Line 8  
After “the effluent limits”, insert a semicolon.  
Delete the period.

Page 29  
Section 11(1)(d)3.b.i. through iii. (Should Have Been Section 11(1)(d)3.b.(i) through (iii))  
Lines 18 through 20  
Renumber i. through iii. as (i) through (iii), respectively.

Page 29  
Section 11(1)(d)3.b.iii. (Should Have Been Section 11(1)(d)3.b.(iii))  
Line 20  
After “peracetic acid storage”, insert a semicolon.  
Delete the period.

Page 30  
Section 11(1)(d)4.  
Line 2  
After “a Professional Engineer”, insert “; or”.  
Delete the period.

Page 30  
Section 11(1)(e)  
Line 3  
After “(e)”, insert the following:  
Another disinfection process approved based on a demonstration that the process provides  
Delete the following:  
Other disinfection processes may be approved if they provide

Page 38  
Section 18(2)(c)  
Line 20  
After “as established in”, lowercase the first letter of “Subsection”.

Page 40  
Section 20(1)  
Line 2  
After “requirements established in”, lowercase the first letter of “Subsections”.

2
Page 42
Section 22(5)
Line 20
   After “that the WWTP”, insert “shall”.
   Delete “will”.

Page 43
Section 24(2)(c)
Line 21
   After “permit issuance date”, insert a comma.

Page 45
Section 25(1)
Lines 1 and 2
   After “management plan that”, insert “. (a)”.
   Capitalize the first letter of “contains”.
Line 2
   After “information required by”, lowercase the first letter of “Subsection”.
   After “of this section”, insert “; and (b)”.
   Delete “and that”.
   Capitalize the first letter of “is”.
   After “consistent with”, insert “with: 1.”.
   Delete “the”.
Line 3
   After “224.71-100 through 224.71-145”, insert “; or 2.”.
   Delete “and the”.
Suggested Amendment

Final Version: 9/5/2018 11:52 AM

ENERGY AND ENVIRONMENT CABINET
Department for Environmental Protection
Division of Water

401 KAR 5:006. Wastewater planning requirements for regional planning agencies.

Page 4
Section 3(2)(e)
Line 12
After “each alternative”, insert “including”.
Delete “which shall include”.

Page 4
Section 3(2)(e)1.
Line 14
After “for each alternative”, insert a comma.

Line 15
After “cost-effective alternatives”, insert a semicolon.
Delete the period.

Page 4
Section 3(2)(e)2.
Lines 17 and 18
After “for detailed evaluation”, insert a semicolon.
Delete the period.

Page 4
Section 3(2)(e)3.
Lines 19 and 20
After “thorough cost analysis”, insert a semicolon.
Delete the period.

Page 4
Section 3(2)(e)4.
Line 23
After “and regionalization”, insert a semicolon.
Delete the period.

Page 5
Section 3(2)(e)5.
Line 1
After “estimated user fees”, insert “and”.
Delete the period.
Page 5
Section 3(2)(e)6.
Line 2
After “6.”, insert “How”.
Delete “The”.
After “alternatives”, delete “shall”.

Lines 2 and 3
After “planning area and”, delete “shall”.

Line 3
After “point sources discharges”, insert a semicolon.
Delete the period.

Page 5
Section 3(2)(f)
Line 5
After “correspondence and mitigation”, insert a comma.

Page 5
Section 4(1)
Line 21
After “(1)”, insert “(a)”.

Page 5
Sections 4(1) and 4(1)(a)
Lines 22 and 23
After “the cabinet if:”, insert “1.”.
Delete “(a)”.

Page 6
Section 4(1)(a) and (b)
Lines 1 and 2
After “inventory report; and”, insert “2.”.
Delete “(b)”.

Page 6
Section 4(1)(b) and (c)
Lines 3 and 4
After “regional facility plan.”, insert “(b)1.”.
Delete “(c)”.

Line 5
After “Inventory System (WRIS).”, insert “2.”.
Suggested Amendment
Final Version: 9/5/2018 11:48 AM

ENERGY AND ENVIRONMENT CABINET
Department for Environmental Protection
Division of Water

401 KAR 5:015. Releases to be reported to the division.

Page 1
NECESSITY, FUNCTION, AND CONFORMITY
Line 12
After “administrative regulation”, insert “establishes”.
Delete “requires”.
After “pollutants or contaminants”, insert “that”.
Delete “which”.

Line 14
After “KPDES-permitted facility”, insert “shall”.

Page 1
Section 1
Line 19
After “to release a”, insert an opening quotation mark.

Line 20
After “contaminant”, insert a closing quotation mark.

Page 2
Section 1
Line 1
After “of the Commonwealth”, insert a comma.

Page 2
Section 2
Line 5
After “release of”, insert quotation marks around “pollutants or contaminants”.

Lines 5 and 6
After “or occurs”, insert a comma.

Line 8
After “Commonwealth and”, insert “that could”.
Delete “which may”.

1
Page 4
Section 3(1)
Line 4
After “division pursuant to”, insert “Section”. Delete “Sections”.

Page 5
Section 3(2)(j)
Line 8
After “Additional information that”, insert “could”. Delete “may”.

Page 5
Section 4
Lines 9 and 14
After “Section 4.”, insert “A person”. Delete “Persons”.

Line 15
After “this administrative regulation”, insert “shall be”. Delete “are”.
401 KAR 5:037. Groundwater protection plans.

Page 8
Section 1(1)
Line 8
After "established in subsections", insert "(2)".
Delete "2".

Line 9
After "of this section", insert a comma.

Lines 9 and 10
After "of the activities", insert the following:
listed in paragraphs (a) through (p) of this subsection
Delete "established in this section".

Page 9
Section 1(2)
Line 20
After "conducts an activity", insert "established".
Delete "identified".
After "in", lowercase the first letter of "Subsection".

Lines 22 and 23
After "on the factors", insert "established".
Delete "set forth".

Page 11
Section 1(3)(g)
Line 8
After "in ponds, lakes", insert a comma.

Page 11
Section 1(3)(j)
Line 11
After "local, state," insert "or".
Delete "and".
Page 12
Section 2(1)
Line 3
After “manner that”, insert “prevents”.
Delete “will prevent”.

Line 4
After “conducting an activity”, insert “established”.
Delete “identified”.

Page 12
Section 2(3)(b)
Line 20
After “of all activities”, insert “established”.
Delete “identified”.

Page 13
Section 2(3)(g)
Lines 6 and 7
After “plan or an”, insert quotation marks around “authorized representative”.

Page 13
Section 2(4)
Line 12
After “from pollution that”, insert “could”.
Delete “may”.

Page 14
Section 2(5)
Line 10
After “for the activities”, insert “established”.
Delete “identified”.

Line 14
After “comply with the”, insert the following:
requirements established in paragraphs (a) through (e)
Delete “provisions”.

Line 15
After “selecting those practices”, insert a period.
Delete the colon.

Page 15
Section 2(5)(c)2.
Line 4
After “drains are identified”, insert “that”.
Delete “which”.

2
Page 15
Section 2(5)(d)3.
Line 17
After "Containment additional to", insert "subsections (1) and (2)".
Delete "Subparagraphs 1 and 2".

Page 15
Section 2(5)(e)
Line 20
After "impoundments, lagoons, pits", insert a comma.

Page 15
Section 2(5)(e)1.
Line 21
After "impoundment, lagoon, pit", insert a comma.
After "or ditch", insert "that".
Delete "which".

Page 16
Section 2(5)(e)3.
Line 5
After "Containment additional to", insert "subsections (1) and (2)".
Delete "Subparagraphs 1 and 2".

Page 16
Section 2(6)(a)
Line 10
After "other federal, state", insert a comma.
After "or regulatory programs that", insert "comply with".
Delete "meet".

Page 17
Section 2(8)
Line 16
After "person that are", insert "established".
Delete "identified".

Page 17
Section 2(8)(a)1.
Line 22
After "activities if factors", insert "established".
Delete "identified".
Page 18
Section 2(8)(b)2.
Line 9
After “2. The factors”, insert “established”.
Delete “identified”.

Page 18
Section 2(8)(d)1.
Line 21
After “conducting an activity”, insert “established”.
Delete “listed”.

Page 22
Section 3(6)(a)
Line 17
After “it does not”, insert “comply with”.
Delete “meet”.
401 KAR 5:045. Treatment requirements; compliance; biochemically degradable wastes.

Page 1
NECESSITY, FUNCTION, AND CONFORMITY
Line 14
   After “as required, to”, insert “comply with”.
   Delete “meet”.

Page 2
Section 1(4)
Lines 14 and 15
   After “discharge does not”, insert “comply with”.
   Delete “conform to”.

Page 2
Section 3
Line 22
   After “effluent quality that”, insert “complies with”.
   Delete “meets”.

Suggested Amendment
Final Version: 9/6/2018 10:58 AM
ENERGY AND ENVIRONMENT CABINET
Department for Environmental Protection
Division of Water
Suggested Amendment
Final Version: 9/6/2018 1:32 PM

ENERGY AND ENVIRONMENT CABINET
Department for Environmental Protection
Division of Water

401 KAR 5:055. Scope and applicability of the KPDES Program and pretreatment requirements.

Page 3
Section 3(2)(a)
Line 19
   After "unless an extension", insert "request is granted".
   Delete the remainder of paragraph (a), except the period.

Page 4
Section 3(4)(c)
Line 11
   After "unless an extension", insert "request is granted".
   Delete the remainder of paragraph (c), except the period.

Page 7
Section 11(10)(a)
Lines 19 and 20
   After "claimed as confidential", insert the following:
      if the claim of confidentiality complies with
   Delete the following:
      by the submitter pursuant to
Suggested Amendment
Final Version: 9/6/2018 1:42 PM
ENERGY AND ENVIRONMENT CABINET
Department for Environmental Protection
Division of Water

401 KAR 5:075. Cabinet review procedures for KPDES permits and permit timetables for 401 KAR Chapter 5.

Page 1
NECESSITY, FUNCTION, AND CONFORMITY
Line 19
After “KAR Chapter 5”, insert “and”.
Delete the comma.

Pages 1 and 2
NECESSITY, FUNCTION, AND CONFORMITY
Lines 20 and 1
After “inviting public comment”, insert a comma.

Page 4
Section 14(2)
Line 12
After “review time”, insert “established”.
Delete “specified”.

Page 4
Section 14(4)
Line 15
After “(4)”, insert “(a)”.
Line 16
After “complete permit application,”, insert “(b)”.

Page 5
Section 15(5)
Line 13
After “application, and the”, insert “fee”.
Delete “fees”.

Page 6
Section 17(2)
Line 16
After “or review times”, insert “established”.
Delete “specified”.

1
Suggested Amendment

Final Version: 9/6/2018 1:52 PM

ENERGY AND ENVIRONMENT CABINET
Department for Environmental Protection
Division of Water

401 KAR 5:320. Wastewater Laboratory Certification Program.

Page 9
Section 6(10)(a)
Line 4
   After “per day (MGD)”, insert “shall indicate”.
   Delete the comma.

Page 9
Section 6(10)(b)
Line 6
   After “0.10 MGD”, insert “shall indicate”.
   Delete the comma.

Page 9
Section 6(10)(c)
Line 9
   After “(0.5) MGD”, insert “shall indicate”.
   Delete the comma.

Page 9
Section 6(10)(d)
Line 11
   After“(1.0) MGD”, insert “shall indicate”.
   Delete the comma.

Page 9
Section 6(10)(e)
Line 12
   After“(2.0) MGD”, insert “shall indicate”.
   Delete the comma.

Page 9
Section 7(1)
Lines 15 and 16
   After “demonstrates that it”, insert “complies with”.
   Delete “meets”.

1
Page 11
Section 10(1)
Line 16
After “The cabinet shall,”, insert “upon”.
Delete “when”.

Pages 11 and 12
Section 10(2)
Lines 23 and 1
After “that failed to”, insert “comply with”.
Delete “meet”.

Page 14
Sections 12 and 13
Lines 10 through 22
After “Section 12.”, delete all of Section 12., including subsections (1) through (5)
and delete the notation “Section 13.”.
August 28, 2018

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

Re: 704 KAR 3:015, Kentucky ALL STARS for Preschool Programs

Dear Co-Chairs Harris and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 704 KAR 3:015, the Kentucky Board of Education proposes the attached amendment to 704 KAR 3:015.

Sincerely,

Deanna L. Durett
General Counsel

attachment
Staff-suggested Amendment

Version 8/27/2018 3:06 p.m.
EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Kentucky Board of Education
Kentucky Department of Education

704 KAR 3:015. Kentucky ALL STARS for Preschool Programs.

Page 1
RELATES TO:
Line 6
After “RELATES TO: KRS”, insert “157.3175.”.

After “199.8943” delete “, 157.3175”.

Page 1
STATUTORY AUTHORITY:
Line 7
After “KRS 156.160”, insert “, 199.8943”.

Page 1
NECESSITY, FUNCTION, AND CONFORMITY:
Lines 8, 9, AND 14
After “KRS 156.160”, insert “requires”.
Delete “gives”.

After “the Kentucky Board of Education”, delete “specific authority”.

After “early childhood rating system”, insert “established in”.
Delete “defined by”.

Page 1
Section 1(1)
Lines 16 and 17
After “Section 1”, insert “.”.
Delete “,”.

After “to the planning, implementing”, insert “.”.
Page 2
Section 1(3)
Lines 2, 3, 4
After “the following evaluated items:”, add a return and insert the following:

(a) Physical environment;

(b) Basic care;

(c) Curriculum;

(d) Interaction;

(e) Schedule and program structure; and

(f) Parent and staff education

Delete the remainder of this subsection’s original text, except the existing period.

Page 2
Section 1(4)-(9)
Lines 6-17
After “Education or its designee is no longer valid.”, return and insert “(5)”. Delete “(4)”.

Renumber each subsequent subsection accordingly.

Page 2
Section 1(6)
Lines 12 and 13
After “childhood rating system”, insert “established in”. Delete “in accordance with”.

After “Rating Level requirements”, insert “established”. Delete “set forth”.

Page 2
Section 1(7)
Line 14
After “program services as”, insert “established in”. Delete “defined by”.

Page 2
Section 1(8)
Line 16
After “program services as”, insert “established in”.
Delete “defined by”.

Page 2
Section 2(1)(a)
Line 22
After “STARS Level 3;”, delete “or”.

Page 3
Section 3(1)
Lines 4 and 5
After “per classroom observed”, insert “. as established”.
Delete “set forth”.

After “in 922 KAR 2:270”, insert “.”.
Delete “in order”.

Page 3
Section 3(2)(a)-(d)
Lines 7 through 18
After “following four (4) domains:”, return and insert the following:

(a) Family and community engagement, which shall include:

1. Professional development related to family engagement;
2. Implementation of family engagement initiatives; and
3. Partnership building with community agencies;

(b) Classroom and instructional quality, which shall include:

1. The use of developmental screenings, curriculum, and assessments; and
2. Participation in an environmental observation;

(c) Staff qualifications and professional development, which shall include:

1. The hours of staff training;
2. Professional development plans for staff that align with state requirements and
staff credentials; and

(d) Administrative and leadership practices, which shall include:

1. Time for lesson plan development;

2. Implementation of a continuous improvement plan; and

3. Provision of staff benefits, such as health insurance

Delete the remainder of this subsection’s original text, except the existing period.

Page 3
Section 3(3)
Lines 19 and 20
After “(3)”, delete “In order”.
Uppercase “to”.

After “Level 3, 4”, insert “. . .”.

After “points in each domain”, insert “established”.
Delete “as set forth”.

Page 4
Section 3(4)
Lines 1 and 2
After “meeting the requirements”, insert “established”.
Delete “set forth”.

After “in this”, insert “administrative”.

After “renewable every three”, insert “(3)”.

After “Sections 4 and 5 of this”, insert “administrative”.

Page 4
Section 4(2)
Lines 7 and 8
After “of the site’s rating”, insert “pursuant to”.
Delete “as detailed in”.

After “Section 6 of this”, insert “administrative”.
Page 4
Section 5(2)
Line 12
After “criteria and domains”, insert “established”.
Delete “specified”.

Page 4
Section 6
Lines 13 and 14
After “Section 6. Reevaluation.”, delete “(1)”.
After “STARS certificate if the”, insert the following:

    preschool site’s location of preschool services changes, the preschool site requests
    a reevaluation within ninety (90) calendar days after receiving certification during its
    renewal year, or the preschool site does not report sustained adherence to the domains
    pursuant to Section 3 of this administrative regulation

Delete the remainder of this section’s original text, except the ending period.

Page 4
Section 7
Lines 20 and 21
After “Section 7. Revocation.”, delete “(1)”.
After “to a preschool site”, insert “pursuant to”.
Delete “in accordance with”.

Page 5
Section 8
Lines 1 through 7
After “Section 8. Appeals.”, delete “(1)”.
After “certified, a site shall”, insert the following:

    accept a lower rating level or file a written request signed by the superintendent,
    upon approval of the local board of education, for reconsideration with the Commissioner
    of Education who shall respond in writing within thirty (30) days. If the preschool site
    disagrees with the response of the Commissioner of Education, it may request an
    administrative hearing pursuant to KRS Chapter 13B

Delete the remainder of this section’s original text, except the ending period.
August 28, 2018

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

Re: 704 KAR 3:306. Kentucky Academic Standards for Historical and Cultural Influences of the Bible Elective Social Studies Course

Dear Co-Chairs Harris and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 704 KAR 3:306, the Kentucky Board of Education proposes the attached amendment to 704 KAR 3:306.

Sincerely,

Deanna L. Durett
General Counsel

attachment
Staff-suggested Amendment

Final Version 9/10/2018 8:52 a.m.
EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Kentucky Board of Education
Kentucky Department of Education


Page 1
RELATES TO:
Line 7
After "158.197"," insert "158.645.".

After "158.6451"," insert "158.6453.".

Page 1
STATUTORY AUTHORITY:
Line 8
After "156.162", insert ".160.290".

Page 1
NECESSITY, FUNCTION, and CONFORMITY:
Lines 11, 12, 19, and 20
After ", and assessment strategies", insert "established in.
Delete "developed under".

After "KRS 158.645, 158.6451", insert ",".

After "Old Testament of the Bible", insert ",".
Delete ",".

After "the New Testament of the Bible", insert ",".
Delete ",".

Page 2
Section 1
Line 3
After "Section 1.", insert "Minimum Content Requirements.".
Page 2
Section 1
Line 4
After "Testament of the Bible", insert "."
Delete ",".

After "the New Testament of the Bible", insert "."
Delete ",".

Page 2
Section 2(1)
Line 9
After "Elective Social Studies Course", insert closing quotation marks before the comma.
Delete the closing quotation marks after the comma.

Page 2
Section 2(2)
Lines 12 and 13
After "Department of Education, 5", insert "th".
Delete "th".
PUBLIC PROTECTION CABINET

Matthew G. Bevin
Governor

Department of Insurance
P.O. Box 517
Frankfort, Kentucky 40602-0517
1-800-595-6053
http://insurance.ky.gov

K. Gail Russell
Acting Secretary

Nancy G. Atkins
Commissioner

September 10, 2018

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

Re: Department of Insurance Regulation Review
806 KAR 17:300
806 KAR 17:360

Dear Co-Chairs Harris and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 806 KAR 17:300 and 806 KAR 17:360, the Department of Insurance proposes the attached amendments to 806 KAR 17:300 and 806 KAR 17:360.

Sincerely,

Patrick O'Connor II, Deputy Commissioner
Kentucky Department of Insurance
215 W. Main Street
Frankfort, Kentucky 40601
SUGGESTED AMENDMENT

PUBLIC PROTECTION CABINET
Department of Insurance

806 KAR 17:300. Provider agreement and risk-sharing agreement filing requirements.

Page 1
RELATES TO
Line 5
After “304.17A-150,”, insert “304.17A-235,”.

Line 6
After “304.17A-577,”, delete “304.17A-578,”.
After “304.17C-060,”, insert “304.17C-070,”.

Page 1
NECESSITY, FUNCTION, AND CONFORMITY
Line 15
After “requirements of provider agreements,”, insert “subcontract”.
Delete “subcontractor”.

Page 3
Section 2(2)(a)4.b.
Line 6
After “arrangement filing”, insert “and”.
Delete the period.

Page 3
Section 2(3)
Lines 11-12
After “or risk sharing agreement”, insert “that”.
Delete “, which”.

Page 3
Section 2(4)
Line 16
After “insurer,”, insert “or”.
Delete “and”.
Line 17
   After "risk sharing agreement", delete the comma.

Page 4
Section 3(1)(c)1.
Line 12
   After "KRS 304.17A", delete the space before the hyphen.

Page 4
Section 4
Lines 21-22
   After "subcontract agreement", insert "that".
   Delete ", which".

Page 5
Section 6(1)
Lines 14-15
   After "(1)", delete the following:
   The following material is incorporated by reference:

Page 5
Section 6(1)(a)
Line 16
   Before ""Limited", delete "(a)".
Lines 16-17
   After "HIPMC-F37", insert the following:
   ", 07/18, is incorporated by reference
   Delete "(07/18)"."
PUBLIC PROTECTION CABINET

Matthew G. Bevin
Governor

Department of Insurance
P.O. Box 517
Frankfort, Kentucky 40602-0517
1-800-595-6053
http://insurance.ky.gov

K. Gail Russell
Acting Secretary

Nancy G. Atkins
Commissioner

September 10, 2018

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

Re: Department of Insurance Regulation Review
806 KAR 17:300
806 KAR 17:360

Dear Co-Chairs Harris and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 806 KAR 17:300 and 806 KAR 17:360, the Department of Insurance proposes the attached amendments to 806 KAR 17:300 and 806 KAR 17:360.

Sincerely,

Patrick O’Connor II, Deputy Commissioner
Kentucky Department of Insurance
215 W. Main Street
Frankfort, Kentucky 40601
SUGGESTED AMENDMENT

PUBLIC PROTECTION CABINET
Department of Insurance

806 KAR 17:360. Prompt payment of claims.

Page 1
RELATES TO
Line 6
After “304.17A-720,”, insert “304.17A-722(3),”.

Page 5
Section 7(2)
Line 20
After “as established in”, insert the following:
subsection (1) of this section
Delete “this administrative regulation”.

Pages 5-6
Section 7(3)
Lines 22-23
After “shall contain the”, delete “prescribed”.

Line 1
After “DIPR-PPR”, delete the hyphen.

Page 6
Section 7(4)
Line 2
After “(4)”, insert “A”.
Delete “All”.
After “reporting”, insert “insurer”.
Delete “insurers”.

Page 6
Section 9(1)
Line 11
After “(1) “” and before “Prompt”, delete the space.

Lines 11-12
After “DIPR-PPR1”, insert a comma.
Delete the parentheses around “7/2018”.

1
September 10, 2018

Senator Ernie Harris, Co-Chair
Representative David Hale, Co-Chair
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort, KY 40601

Re: 830 KAR 2:010, Registration and fees

Dear Co-Charis Harris and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 830 KAR 2:010, the Department of Professional Licensing proposes the attached suggested amendments to 830 KAR 2:010.

Sincerely,

David Trimble
General Counsel,
Department of Professional Licensing
830 KAR 2:010. Registration and fees.

Page 1
NECESSITY, FUNCTION, AND CONFORMITY
Line 9
After "164.6909", insert "(1)".
After "requires the", insert "department".
Delete "office".

Line 10
After "164.6911", insert "(4)".

Page 2
Section 1(2)
Line 2
After "registrations", insert "shall".
Delete "must".
PUBLIC PROTECTION CABINET

Department of Professional Licensing
911 Leawood Drive
Frankfort, KY 40601
Phone: (502) 564-3296
Fax: (502) 564-4818
www.dop.ky.gov

K. Gail Russell
Acting Cabinet Secretary
Isaac J. VanHoose
Commissioner

September 10, 2018

Senator Ernie Harris, Co-Chair
Representative David Hale, Co-Chair
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort, KY 40601

Re: 830 KAR 2:020, Complaints

Dear Co-Charis Harris and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 830 KAR 2:020, the Department of Professional Licensing proposes the attached suggested amendments to 830 KAR 2:020.

Sincerely,

David Trimble
General Counsel,
Department of Professional Licensing
830 KAR 2:020. Complaints.

Page 1
RELATES TO
Line 5
After "KRS", insert "13B".

Page 1
Section 1(2)(b)
Line 16
After "including the", lowercase "Department".

Page 1
Section 1(3)
Line 18
After "(3)", insert the following:
A complaint shall not
Delete the following:
A complaint may
After "anonymously. The", insert the following:
department shall not take
Delete the following:
Department will take no

Page 2
Section 2(2)
Line 11
After "parties", delete the comma.

Page 2
Section 2(3)
Line 13
After "file a response in", insert the following:
accordance with subsection (1)(a) of this section
Delete "a timely fashion".
Page 2
Section 2(3)
Line 15
After "alleged violation", insert the following:

, unless good cause is shown for the failure

Page 2
Section 3(2)
Line 20
After "The making", insert "and manner".
After "process", delete the following:
and the manner of same

Line 21
After "before the", insert "department as".
Delete "Department in the manner".

Line 22
After "required by", insert "CR 5 of".

Page 3
Section 4(1)
Line 3
After "days of the", lowercase "department".

Page 3
Section 4(2)
Line 6
After "notified of", insert "the".
Delete "such".

Page 3
Section 4(3)
Line 11
After "shall", insert the following:

(a) Notify the parties of:
1. Its determination; and
2. The charges upon which its determination is based; and
(b) Suspend, revoke, or refuse renewal of registration pursuant to KRS 164.6913.

Delete the remainder of subsection (3) in its entirety.
Page 3
Section 4(4)
Line 14
After "(4) If the", lowercase "Department".

Line 15
After "decision, it shall", delete "so".
After "parties. The", lowercase "Department".

Page 3
Section 5(1)
Line 21
After "(1)", insert the following:

"Athlete Agent Complaint" Form AAR-001

Delete the following:

"Athlete Agent Registry Complaint Form, Form AAR-001"
September 4, 2018

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

Re: 902 KAR 20:008 License procedures and fee schedule
902 KAR 20:260 Hospital-owned pain management clinics
902 KAR 20:275 Freestanding or mobile technology

Dear Co-Chairs Harris and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 902 KAR 20:008, 902 KAR 20:260, and 902 KAR 20:275, the Cabinet for Health and Family Services proposes the attached amendments to 902 KAR 20:008, 902 KAR 20:260, and 902 KAR 20:275.

Sincerely,

Brandon James Smith
Executive Director
Office of Legislative and Regulatory Affairs

Attachments
BJS/sbb
Suggested Amendment
CABINET FOR HEALTH AND FAMILY SERVICES
Office of Inspector General
Division of Health Care

902 KAR 20:008. License procedures and fee schedule.

Page 1
NECESSITY, FUNCTION, AND CONFORMITY
Line 14
    After “operate a health facility”, insert “or health service.”.

Page 1
Section 1(1)
Line 18
    After “health facility’s”, insert “or health service’s”.

Page 7
Section 2(13)(b)
Line 3
    After “The health facility”, insert “or health service”.

Page 9
Section 2(20)
Line 22
    After “pending adverse action”, insert a comma.
September 4, 2018

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

Re: 902 KAR 20:008 License procedures and fee schedule
902 KAR 20:260 Hospital-owned pain management clinics
902 KAR 20:275 Freestanding or mobile technology

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Sincerely,

Brandon James Smith
Executive Director
Office of Legislative and Regulatory Affairs

Attachments
BJS/sbb
Suggested Amendment
CABINET FOR HEALTH AND FAMILY SERVICES
Office of Inspector General
Division of Health Care


Page 1
NECESSITY, FUNCTION, AND CONFORMITY
Line 14
   After “the operation of”, insert “a”.
   After “pain management”, insert “clinic”.
   Delete “clinics”.
Line 15
   After “controlled substances”, insert a comma.

Page 2
Section 1(3), Section 1(4), and Section 1(5)
Lines 3-8
   After “(3)”, and beginning with “Licensure Agency”, delete all of subsection (3), all of
   subsection (4), and through the notation “(5)”.

Page 18
Section 6(5)
Line 23
   After “within ten”, insert “(10)”.
   After “calendar”, delete “(10)”.
September 4, 2018

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

Re: 902 KAR 20:008 License procedures and fee schedule
902 KAR 20:260 Hospital-owned pain management clinics
902 KAR 20:275 Freestanding or mobile technology

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Sincerely,

Brandon James Smith
Executive Director
Office of Legislative and Regulatory Affairs

Attachments
BJS/sbb
Suggested Amendment
CABINET FOR HEALTH AND FAMILY SERVICES
Office of Inspector General
Division of Health Care

902 KAR 20:275. Freestanding or mobile technology.

Page 1
NECESSITY, FUNCTION, AND CONFORMITY
Line 16
After “mobile technology”, insert “unit”.
Delete “provider”.

Page 4
Section 2
Line 4
After “mobile”, insert “technology”.

Line 5
After “PET”, insert “scanning”.

Page 5
Section 3(1)(a)2.
Line 5
After “freestanding”, delete “service”.
After “mobile”, insert “technology”.

Page 5
Section 3(1)(b)2.
Line 10
After “operation of the”, insert “freestanding”.
Delete “service”.
After “mobile”, insert “technology”.

Page 6
Section 3(3)(d)
Line 9
After “(d)”, insert “Each”.
Delete “All”.
After “staff”, insert “member”.

Page 6
Section 3(3)(f)
Line 14
After “(f)”, delete “There shall be”.

1
Capitalize “a”.
After “medical director”, delete “who”.

Page 8
Section 3(7)(b)1.
Lines 6-7
After “mobile technology”, insert “unit”.
Delete “service”.

Page 8
Section 3(7)(b)3.
Line 10
After “established in this”, insert “subsection”.
Delete “administrative regulation”.

Page 8
Section 3(7)(c)1.
Line 12
After “mobile technology”, insert “unit”.
Delete “service”.

Page 8
Section 3(7)(c)2.
Line 17
After “mobile technology”, insert “unit”.
Delete “service”.

Page 8
Section 3(7)(c)3.
Line 21
After “shall not”, delete “be construed to”.
Line 22
After “mobile technology”, insert “unit”.
Delete “service”.

Page 9
Section 3(7)(g)
Line 13
After “storage of the”, insert “unit’s”.
Delete “service’s”.

Page 9
Section 3(7)(h)
Line 14
After “if the”, insert “unit”.
Delete “service”.

Page 11
Section 5(1)
Line 18
After “physician or other”, insert “licensed”.
Lines 18-19
Delete “legally authorized”.
Line 19
After “health care practitioner”, insert the following:
acting within his or her scope of practice

Page 12
Section 5(3)
Lines 1-2
After “or other”, insert “licensed”.
Delete “legally authorized”.
Line 2
After “practitioner”, insert the following:
acting within his or her scope of practice
After “shall”, insert “ensure”.
Delete “insure”.

Page 12
Section 5(6)
Line 15
After “Anesthesia services,”, delete “If provided,”.
Capitalize the first letter of “after”.

Page 12
Section 5(7)(a)
Line 23
After “(a)”, insert “If”.
Delete “Laboratory services”.
After “treatment or procedure”, delete “to be”.

Page 13
Section 5(7)(a)
Line 1
After “performed”, insert “lab services”.
After “shall be provided”, insert “directly”.
After “or”, insert the following:
through an arrangement with a licensed laboratory
Delete the following:
arrangements made to obtain the services

Page 14
Section 6(4)
Line 23
After "(4)", insert "Storage".
Delete "Adequate safeguards".
After "shall be provided", insert "to protect a patient's".
Delete the following:
for protection and storage of patients'

Page 15
Section 6(5)(e)
Line 8
After "treated and", delete "while".

Page 15
Section 7(1)(a)
Line 18
After "or other", insert "licensed".
Delete "legally authorized".
After "health care practitioner", insert the following:
acting within his or her scope of practice

Page 15
Section 7(1)(b)1.
Line 20
After "only by a", insert "licensed".
Delete "legally authorized".
After "health care practitioner", insert the following:
acting within his or her scope of practice

Page 15
Section 7(1)(b)2.
Line 21
After "or other", insert "licensed".
Delete "legally authorized".

Line 22
After "practitioner", insert the following:
acting within his or her scope of practice
Page 16
Section 7(1)(c)3.
Line 4
   After “or other”, insert “licensed”.
   Delete “legally authorized”.

Page 21
Section 10(5)(e)1.
Line 14
   After “(e)”, delete “1.”.

Page 21
Section 10(5)(e)1. and 10(5)(e)1.a.
Lines 14-15
   After “shall be:”, insert “1.”.
   Delete “a.”.

Page 21
Section 10(5)(e)1.a. and 10(5)(e)1.b.
Lines 15-17
   After “; and”, insert “2.”.
   Delete “b.”.

Page 21
Section 10(5)(e)2.
Lines 19-20
   Delete all of subparagraph 2. in its entirety.

Page 21
Section 10(5)(f)
Line 21
   After “(f)”, insert “An”.
   Delete the following:
      A licensee owned or operated
Line 22
   After “in compliance with”, insert the following:
      401 KAR 59:020 or 401 KAR 61:010
   Delete the following:
      all applicable Kentucky statutes and administrative regulations

Page 22
Section 12
Line 4
   After “Mobile”, insert “Technology”.
Page 22
Section 12(1)
Line 5
   After "mobile", insert "technology".
September 5, 2018

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

Re: 902 KAR 45:160. Kentucky food processing, packaging, storage, and distribution operations.

Dear Co-Chairs Harris and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 902 KAR 45:160, the Department for Public Health proposes the enclosed suggested amendments to 902 KAR 45:160.

Sincerely,

Brandon J. Smith
Executive Director
Office of Legislative and Regulatory Affairs

Enclosure
cc:   file
902 KAR 45:160. Kentucky food processing, packaging, storage, and distribution operations.

Page 2
Section 1(8)
Line 10
After "hazard", delete comma.

Page 13
Section 10(3)
Line 7
After "used", insert "instead".
Delete "in lieu".

Page 13
Section 11(2)
Lines 14-15
After "capable of maintaining", insert the following:

(a) Frozen food in a frozen state; and
(b) Refrigerated foods at forty-five (45) degrees Fahrenheit or below.

Delete the remainder of subsection 2 in its entirety.

Page 15
Section 15(2)
Line 8
After "(2)", insert "if food is considered".
Delete "When food is deemed".

Page 16
Section 17(1)
Lines 5-6
After "immediately", insert the following:

notify the permit holder using the DFS-263, Food Plant Enforcement Notice and
Delete the following:
, upon notice to the permit holder using the DFS-263, Food Plant
Enforcement Notice

Page 16
Section 17(2)
Line 10
   After "(2)", insert "If".
   Delete "In the instance of".
   After "suspension", insert "is".