



COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION

<http://ethics.ky.gov/>

VACANT
CHAIR

CHRISTOPHER L. THACKER
VICE CHAIR

K. TIMOTHY KLINE
CHRISTOPHER BROOKER
APRIL WIMBERG
HOLLY IACCARINO

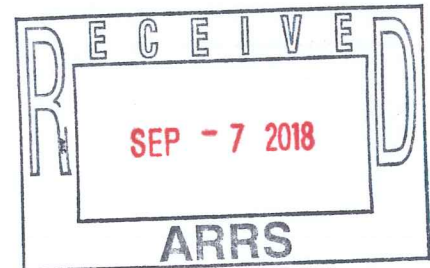
KATHRYN H. GABHART
EXECUTIVE DIRECTOR

MICHAEL W. BOARD
GENERAL COUNSEL

CAPITAL COMPLEX EAST
1025 CAPITAL CENTER DRIVE, SUITE #104
FRANKFORT, KY 40601
(502) 564-7954
FAX: (502)-695-5939

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

9/4/2018 11:10 AM

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".

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".



COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION
<http://ethics.ky.gov/>

VACANT
CHAIR

CHRISTOPHER L. THACKER
VICE CHAIR

K. TIMOTHY KLINE
CHRISTOPHER BROOKER
APRIL WIMBERG
HOLLY IACCARINO

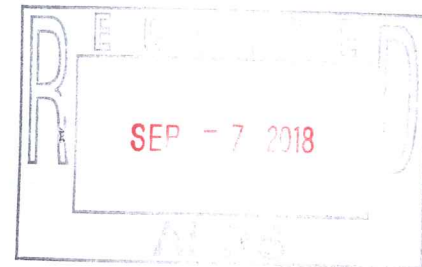
KATHRYN H. GABHART
EXECUTIVE DIRECTOR

MICHAEL W. BOARD
GENERAL COUNSEL

CAPITAL COMPLEX EAST
1025 CAPITAL CENTER DRIVE, SUITE #104
FRANKFORT, KY 40601
(502) 564-7954
FAX: (502)-695-5939

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 1:030. Administrative proceedings.

Dear Co-Chair Harris and Co-Chair Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 9 KAR 1:030, 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

9/4/2018 11:15 AM

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".

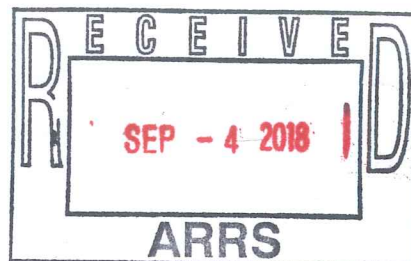
Delete "an".

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



Re: 12 KAR 2:006, 2 KAR 2:011, 12 KAR 2:016, 12 KAR 2:017, 12 KAR 2:018, 12 KAR 2:021, 12 KAR 2:026, 12 KAR 2:031, 12 KAR 2:036, 12 KAR 2:041, 12 KAR 2:046, 12 KAR 2:051, 12 KAR 2:056, 12 KAR 2:061, 12 KAR 2:066

Dear Co-Chairs Harris and Hale:

After discussions with Administrative Review Subcommittee staff of the issues raised by 12 KAR 2:016, 12 KAR 2:018, 12 KAR 2:021, 12 KAR 2:026, 12 KAR 2:031, 12 KAR 2:036, 12 KAR 2:056, 12 KAR 2:066, the Division of Regulatory Services proposes the attached amendments.

Sincerely,

A handwritten signature in blue ink that reads "Darrell D. Johnson".

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

see blue.

Staff-suggested Amendment

**Final Version 8/30/2018 1:19 p.m.
AGRICULTURAL EXPERIMENT STATION**

12 KAR 2:016. Brand and product names.

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".

Staff-suggested Amendment

**Final Version 8/30/2018 1:21 p.m.
AGRICULTURAL EXPERIMENT STATION**

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 " ".

Staff-suggested Amendment

**Final Version 8/30/2018 1:22 p.m.
AGRICULTURAL EXPERIMENT STATION**

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".

Staff-suggested Amendment

**Final Version 8/30/2018 1:23 p.m.
AGRICULTURAL EXPERIMENT STATION**

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

Page 1

Section 1(2)(a)

Line 19

After "the Federal Food, Drug", insert " ".

Staff-suggested Amendment

**Final Version 8/30/2018 1:25 p.m.
AGRICULTURAL EXPERIMENT STATION**

12 KAR 2:036. Non-protein nitrogen.

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 "i".

After "250.091(1) or 250.601(2)", insert "i".



**Kentucky Council on
Postsecondary Education**

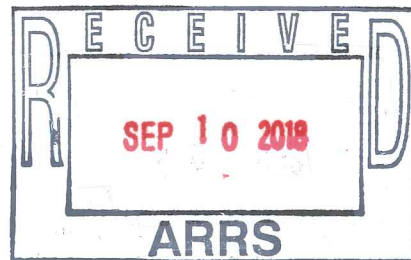
Matthew G. Bevin
Governor

1024 Capital Center Drive, Suite 320
Frankfort, Kentucky 40601
Phone: 502-573-1555
Fax: 502-573-1535
<http://www.cpe.ky.gov>

Robert L. King
President

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".



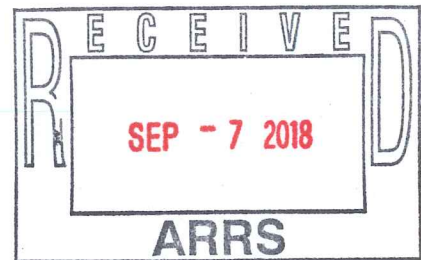
COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

ANDY BESHEAR
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KY 40601

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

/kw
Enc.

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".



Matthew G. Bevin

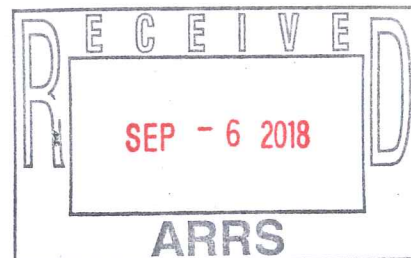
Governor

Julie M. Campbell

Administrator

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



Re: 201 KAR 12:251 – Repeal of 201 KAR 12:085, 201 KAR 12:088, 201 KAR 12:120, 201 KAR 12:180 and 201 KAR 12:250.

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**

201 KAR 12:251. Repeal of 201 KAR 12:085, 201 KAR 12:088, 201 KAR 12:120, 201 KAR 12:180, and 201 KAR 12:250.

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".

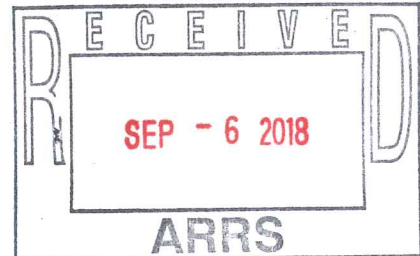


Matthew G. Bevin
Governor

Julie M. Campbell
Administrator

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



Re: 201 KAR 12:280 – Esthetic Restrictions.

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)".

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.

502-429-3300
800-305-2042
Fax: 502-429-3311

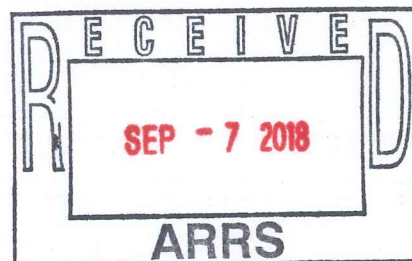
KENTUCKY BOARD OF NURSING

312 Whittington Parkway, Suite 300
Louisville, Kentucky 40222-5172
kbn.ky.gov

Matthew G. Bevin
Governor

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,

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".

Line 9

Delete "site maintenance".

Page 11

Section 6(1)(a)

Line 15

After "Infusion", insert "Therapy".

Delete "Nursing".

Matthew G. Bevin
Governor

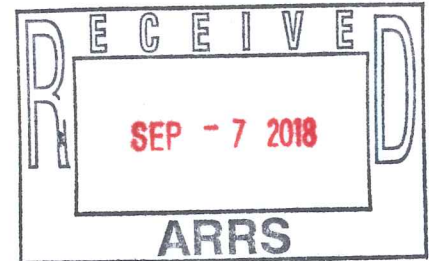
KENTUCKY BOARD OF PHYSICAL THERAPY

312 Whittington Parkway, Suite 102
Louisville, Kentucky 40222
<http://pt.ky.gov>

Scott D. Majors
Executive Director

September 4, 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 22:170. Physical Therapy Compact Commission.

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**

201 KAR 22:170. Physical Therapy Compact Commission.

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".



**TOURISM, ARTS AND HERITAGE CABINET
KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES**

Matthew G. Bevin
Governor

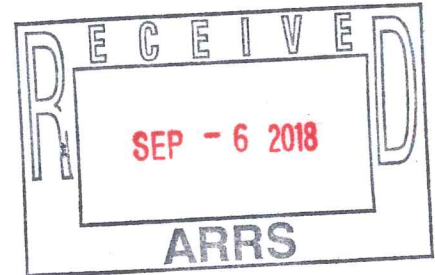
Don Parkinson
Secretary

#1 Sportsman's Lane
Frankfort, Kentucky 40601
Phone (502) 564-3400
1-800-858-1549
Fax (502) 564-0506
fw.ky.gov

Regina Stivers
Deputy Secretary

Frank Jemley
Acting Commissioner

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 ":",



**TOURISM, ARTS AND HERITAGE CABINET
KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES**

Matthew G. Bevin
Governor

Don Parkinson
Secretary

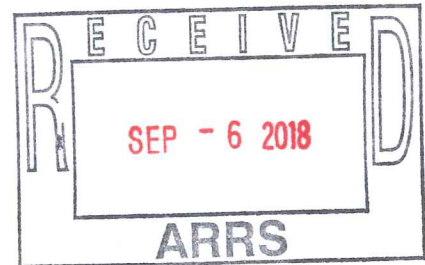
#1 Sportsman's Lane
Frankfort, Kentucky 40601
Phone (502) 564-3400
1-800-858-1549
Fax (502) 564-0506
fw.ky.gov

Regina Stivers
Deputy Secretary

Frank Jemley
Acting Commissioner

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

Staff-suggested Amendment

Version 9/5/2018 1:43 p.m.

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

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".



MATTHEW G. BEVIN
GOVERNOR

CHARLES G. SNAVELY
SECRETARY

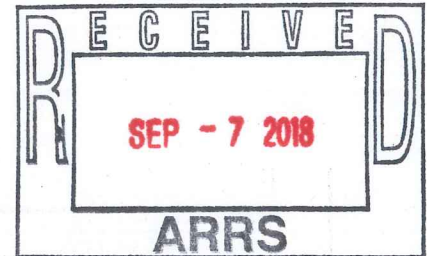
ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR NATURAL RESOURCES

JOHN D. SMALL
COMMISSIONER

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601

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.

Page 11

Section 6(1)(b)

Line 22

After "officer, director,", delete "or".

Line 23

After "corporation, partnership", insert a comma.

Page 12

Section 6(1)(b)

Line 1

After "or governmental agency", insert "that is a party".

Delete "which is a party".

Page 12

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.

Page 12

Section 6(1)(c)8.

Line 19

After "officer finds that", delete "such".

Page 13

Section 6(1)(d)

Line 2

After "any other party", insert "that".

Delete "which".

Page 13

Section 6(2)

Line 6

After "for any reason", insert "that".

Delete "which".

Page 13

Section 6(3)

Line 9

After "evidence admissible", insert "that".
Delete "which".

Page 13

Section 6(4)(a)

Line 12

After "taking a deposition", insert "shall be".
Delete "are".

Page 13

Section 6(4)(b)

Line 15

After "to be taken", insert "shall be".
Delete "is".

Page 13

Section 6(4)(c)1.

Line 20

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

Line 21

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

Page 14

Section 6(4)(c)2.

Line 3

After "of any kind", insert "that".
Delete "which".

Lines 3 and 4

After "promptly presented,", insert "shall be".
Delete "are".

Line 4

After "waived unless", insert "timely".
Delete "seasonable".

Page 14

Section 6(4)(c)3.

Line 5

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".

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".

Line 2

After "of the matter", insert "for".
Delete "of".

Line 3

After "An answering party", insert "shall".
Delete "may".

Line 6

After "that a matter", insert "for".
Delete "of".

Page 19

Section 10

Line 3

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

Page 19

Section 10(1)

Line 5

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

Page 19

Section 10(1)(a)1.

Line 15

After "without administrative action.", insert "lf".
Delete "When".

Lines 16 and 17

After "the examination before he", insert "or she".

Page 19

Section 10(1)(a)2.

Line 18

After "officer may make", insert "a".
Delete "such".

Page 19

Section 10(1)(b)

Line 21

After "of this section", insert a comma.

Lines 21 and 22

After "or incomplete answer", insert "shall".
Delete "is to".

Page 20

Section 10(1)(c)1.

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".

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".

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".

Page 2

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)".

Page 2

Section 1(14) and (15)

Lines 13 and 14

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

Page 2

Section 1(15)

Line 14

After "is defined", insert "by".

Delete "in".

Page 2

Section 1(15) and (16)

Lines 14 and 15

After "KRS 350.010(21).", insert "(14)".

Delete "(16)".

Page 2

Section 1(16)

Line 15

After "is defined", insert "by".

Delete "in".

Page 2

Section 1(16) and (17)

Lines 15 and 16

After "KRS 350.010(12).", insert "(15)".

Delete "(17)".

Page 2

Section 1(17)

Line 16

After "is defined", insert "by".

Delete "in".

Page 21

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".

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,", capitalize 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".

Line 18

After "405 KAR 7:095," capitalize the first letter of "section".

Page 19

Section 7(2)(a)3.

Line 12

After "undeliverable, unclaimed", insert a comma.

Page 19

Section 7(2)(c)

Line 16

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

Line 19

After "this section finding", insert "that".

After "the person waived", insert "the".

Delete "his".

Page 21

Section 7(6)(a)

Line 14

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

Delete "which".

Page 21

Section 7(6)(b)

Line 18

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

Delete "which".

Page 21

Section 7(6)(c)

Line 21

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

Delete "must".

Page 22

Section 7(6)(c)2.

Line 2

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

Page 22

Section 7(6)(d)

Line 4

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".

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.



MATTHEW G. BEVIN
GOVERNOR

CHARLES G. SNAVELY
SECRETARY

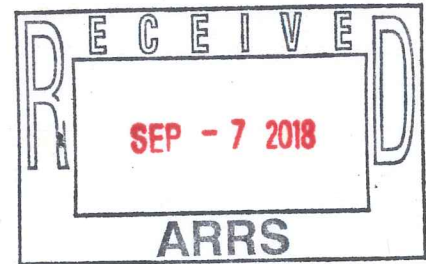
**ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

ANTHONY R. HATTON
COMMISSIONER

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601

September 7, 2018

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



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,

After discussions with the Administrative Regulation Review Subcommittee staff of the issue raised by 401 KAR 5:002, 401 KAR 5:005, 401 KAR 5:006, 401 KAR 5:015, 401 KAR 5:037, 401 KAR 5:045, 401 KAR 5:055, 401 KAR 5:075, and 401 KAR 5:320, the Division proposes the attached amendments to 401 KAR 5:002, 401 KAR 5:005, 401 KAR 5:006, 401 KAR 5:015, 401 KAR 5:037, 401 KAR 5:045, 401 KAR 5:055, 401 KAR 5:075, and 401 KAR 5:320.

Sincerely,

Peter T. Goodman, 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

Re-number 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".

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 ":(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".

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".

Suggested Amendment

Final Version: 9/6/2018 11:05 AM

**ENERGY AND ENVIRONMENT CABINET
Department for Environmental Protection
Division of Water**

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".

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".

Suggested Amendment

Final Version: 9/6/2018 10:58 AM

**ENERGY AND ENVIRONMENT CABINET
Department for Environmental Protection
Division of Water**

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 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".

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".

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.".

Matthew G. Bevin
Governor



Derrick Ramsey
Secretary
Education and Workforce
Development Cabinet

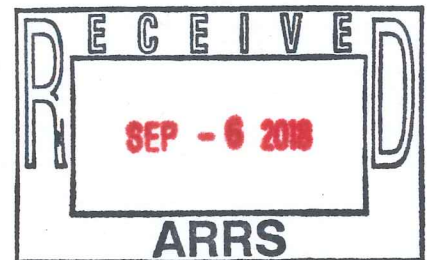
Wayne D. Lewis, Ph.D.
Interim Commissioner of Education

KENTUCKY DEPARTMENT OF EDUCATION

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

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,

A handwritten signature in dark ink, appearing to read "D. Durett".

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 "z".

Delete "z".

After "to the planning, implementing", insert "z".

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.

Matthew G. Bevin
Governor



Derrick Ramsey
Secretary
Education and Workforce
Development Cabinet

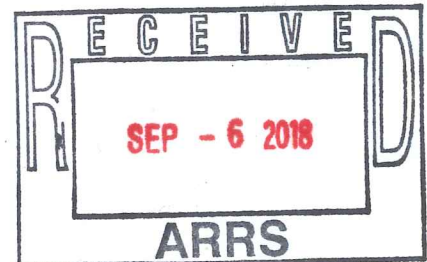
Wayne D. Lewis, Ph.D.
Interim Commissioner of Education

KENTUCKY DEPARTMENT OF EDUCATION

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

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,

A handwritten signature in black ink, appearing to read "D. Durett".

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

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

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 "L".

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

Delete "L".

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

Delete "L".

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 "L".

Delete "I".

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

Delete "I".

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>

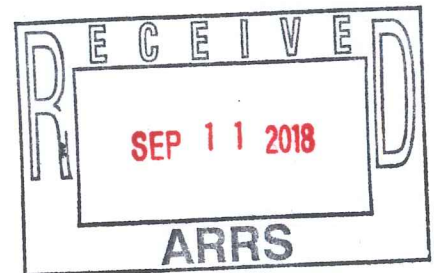
K. Gail Russell
Acting Secretary

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

9/10/18 3:00 PM

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>

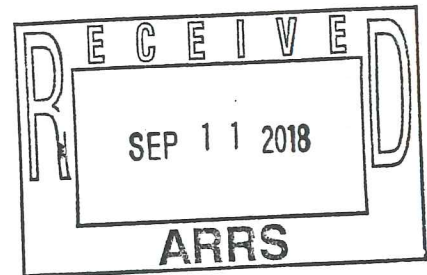
K. Gail Russell
Acting Secretary

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

9/10/18 3:01 PM

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".



PUBLIC PROTECTION CABINET

Matthew G. Bevin
Governor

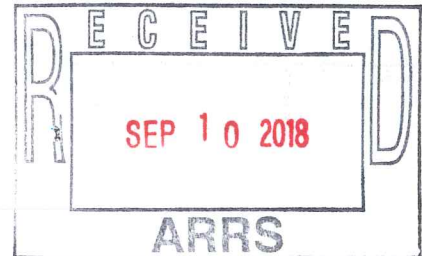
Department of Professional Licensing
911 Leawood Drive
Frankfort, KY 40601
Phone: (502) 564-3296
Fax: (502) 564-4818
www.dop.ky.gov

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 2:010, 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,

A handwritten signature in blue ink, appearing to read "David Trimble", is written over the typed name.

David Trimble
General Counsel,
Department of Professional Licensing

Suggested Amendment
Public Protection Cabinet
Department of Professional Licensing – Kentucky Athletic Agent Registry

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

Matthew G. Bevin
Governor

Department of Professional Licensing

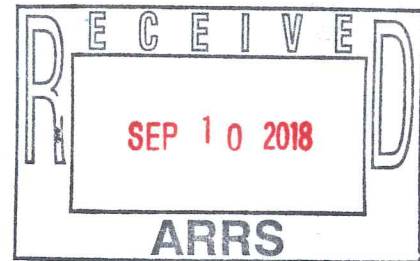
911 Leawood Drive
Frankfort, KY 40601
Phone: (502) 564-3296
Fax: (502) 564-4818
www.dop.ky.gov

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

REVISED:
9/6/2018 9:12 AM
Suggested Amendment
Public Protection Cabinet
Department of Professional Licensing – Kentucky Athletic Agent Registry

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)

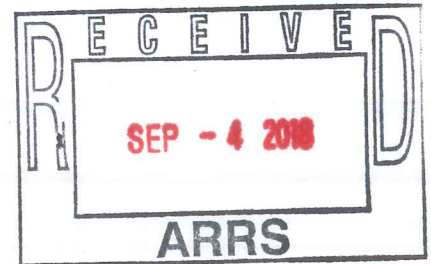
Line 21

After "(1)", insert the following:

"Athlete Agent Complaint" Form AAR-001

Delete the following:

"Athlete Agent Registry Complaint Form, Form AAR-001"



**CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF INSPECTOR GENERAL**

Matthew G. Bevin
Governor

275 East Main Street, 5E-A
Frankfort, KY 40621
(502) 564-2888
Fax: (502) 564-6546
<https://chfs.ky.gov/agencies/os/oig/Pages/default.aspx>

Adam M. Meier
Secretary

Steven D. Davis
Inspector General

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

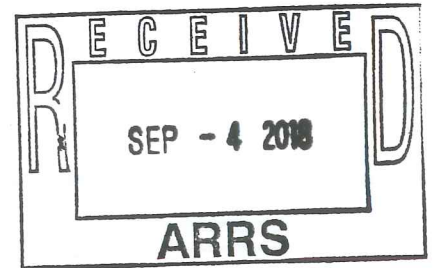
After "The health facility", insert "or health service".

Page 9

Section 2(20)

Line 22

After "pending adverse action", insert a comma.



**CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF INSPECTOR GENERAL**

Matthew G. Bevin
Governor

275 East Main Street, 5E-A
Frankfort, KY 40621
(502) 564-2888
Fax: (502) 564-6546
<https://chfs.ky.gov/agencies/os/oiig/Pages/default.aspx>

Adam M. Meier
Secretary

Steven D. Davis
Inspector General

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 20:260. Hospital-owned pain management clinics.

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)".

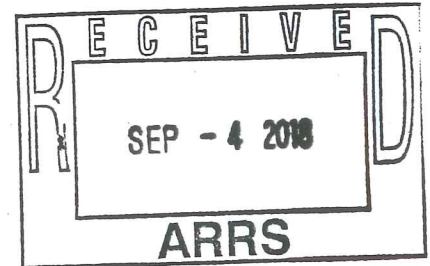
Page 18

Section 6(5)

Line 23

After "within ten", insert "(10)".

After "calendar", delete "(10)".



**CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF INSPECTOR GENERAL**

Matthew G. Bevin
Governor

275 East Main Street, 5E-A
Frankfort, KY 40621
(502) 564-2888
Fax: (502) 564-6546
<https://chfs.ky.gov/agencies/os/oiig/Pages/default.aspx>

Adam M. Meier
Secretary

Steven D. Davis
Inspector General

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 20:275. 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".

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 "laboratory 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

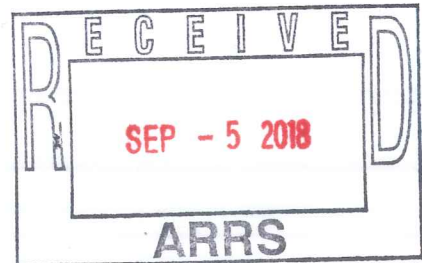
After "Mobile", insert "Technology".

Page 22

Section 12(1)

Line 5

After "mobile", insert "technology".



**CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF THE SECRETARY**

Matthew G. Bevin
Governor

275 East Main Street, 5W-A
Frankfort, KY 40621
502-564-7042
502-564-7091
www.chfs.ky.gov

Adam M. Meier
Secretary

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

**Cabinet for Health and Family Services
Department for Public Health
Division of Public Health Protection and Safety**

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".