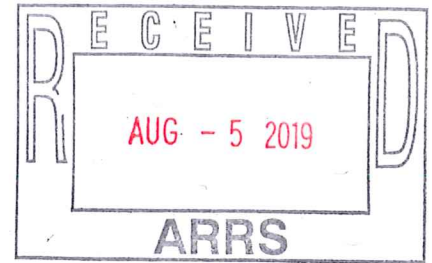




Commonwealth of Kentucky  
Finance and Administration Cabinet  
**DEPARTMENT OF REVENUE**

501 High Street  
Frankfort, KY 40601  
(502) 564-3226  
Fax (502) 564-3875



**Matthew G. Bevin**  
Governor

**William M. Landrum III**  
Cabinet Secretary

**Daniel P. Bork**  
Commissioner

August 2, 2019

Senator Stephen West, 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: 103 KAR 1:010. Protests.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 103 KAR 1:010, the Department of Revenue proposes the attached amendment to 103 KAR 1:010.

Kind regards,

Lisa S. Swiger, Tax Policy Research Consultant II  
Office of Tax Policy and Regulation  
Department of Revenue  
501 High Street, St 1  
Frankfort, Kentucky 40601

lcs  
Cc: file

**REVISED:**  
**7/29/2019 10:58 AM**  
**Suggested Amendment**  
**Finance and Administration Cabinet**  
**Department of Revenue**

**103 KAR 1:010. Protests.**

**Page 1**

**Section 2(1)**

**Line 18**

After "Taxpayers", insert "shall".

Delete "will".

**Page 4**

**Section 6(1)**

**Line 15**

After "penalties", insert the following:

, in accordance with 103 KAR 1:040



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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: 103 KAR 1:060. Electronic fund transfer.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 103 KAR 1:060, the Department of Revenue proposes the attached amendment to 103 KAR 1:060.

Kind regards,

Lisa S. Swiger, Tax Policy Research Consultant II  
Office of Tax Policy and Regulation  
Department of Revenue  
501 High Street, St 1  
Frankfort, Kentucky 40601

lcs  
Cc: file

REVISED:  
8/2/2019 3:03 PM  
**Suggested Amendment**  
**Finance and Administration Cabinet**  
**Department of Revenue**

**103 KAR 1:060. Electronic fund transfer.**

**Page 1**

**RELATES TO**

**Line 5**

After "131.155", insert the following:

, 131.180, 131.183, 131.990, Chapter 139, 141.310

**Page 1**

**STATUTORY AUTHORITY**

**Line 6**

After "131.155", insert "(3)".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 9**

After "131.155(3) requires the", insert "department".

Delete "Department of Revenue".

**Lines 11-13**

After "administered by the department.", delete the following:

KRS 131.155 (3) authorizes the Department of Revenue to prescribe means of electronic fund transfer of taxes and fees.

**Page 1**

**Section 1**

**Line 15**

After "(1)", insert the following:

"Credit method" means the method of payment where the taxpayer or his authorized agent initiates the transfer of funds from the taxpayer or agent-controlled account in a financial institution to the designated Commonwealth bank account to satisfy taxes or fees due.

(2)

**Pages 1-2**

**Sections 1-2**



**Lines 19-21, 1**

After "effecting the transfer.", delete beginning with "(2) "Credit method" means " through "satisfy taxes or fees due."

**Page 2**

**Section 2(2)**

**Lines 16-17**

After "In addition,", insert "these".

Delete "such".

**Page 2**

**Section 2(3)**

**Line 20**

After "transfer of funds", insert "shall".

Delete "must".

**Page 3**

**Section 3(2)**

**Line 19**

After "(2)", insert the following:

The department may approve this method if extreme circumstances are demonstrated

Delete the following:

Approval of such method shall be at the discretion of the department and limited to demonstration of extreme circumstances

**Page 4**

**Section 4(1)(a)**

**Line 4**

After "law and", insert "administrative".

**Page 4**

**Section 7**

**Lines 22-23**

Delete Section 7 in its entirety.

**Page 5**

**Section 8**

**Line 1**

After "Section", insert "7. Form 10A070".

**Lines 1-3**

Delete beginning with "8. Incorporation by Reference. Revenue Form" through "(2) This form".

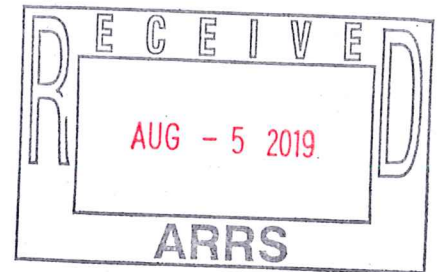
**Line 6**

After "4:30 p.m.", insert "or online at <https://revenue.ky.gov>."



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Governor

**William M. Landrum III**  
Cabinet Secretary

**Daniel P. Bork**  
Commissioner

August 2, 2019

Senator Stephen West, 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: 103 KAR 8:130. Protests.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 103 KAR 8:130, the Department of Revenue proposes the attached amendment to 103 KAR 8:130.

Kind regards,

Lisa S. Swiger, Tax Policy Research Consultant II  
Office of Tax Policy and Regulation  
Department of Revenue  
501 High Street, St 1  
Frankfort, Kentucky 40601

lcs  
Cc: file

REVISED:  
7/29/2019 10:50 AM  
**Suggested Amendment**  
**Finance and Administration Cabinet**  
**Department of Revenue**

**103 KAR 8:130. Ad valorem taxation of machinery actually engaged in the manufacturing of coal, crushed stone, sand, gravel, and hot asphalt.**

**Page 1**

**TITLE**

**Line 5**

After "hot", insert "mix".

**Page 5**

**Section 4(2)(d)**

**Line 7**

After "end when", delete "either".

**Line 8**

Before "a.", insert "1. Either:".

**Line 10**

Before "c.", insert "2.".

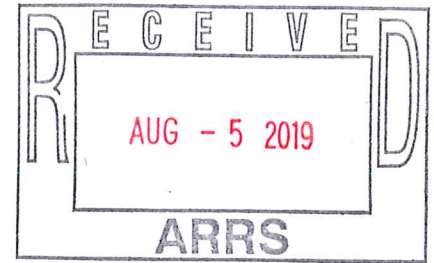
Delete "c.".



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**Matthew G. Bevin**  
Governor

**William M. Landrum III**  
Cabinet Secretary

**Daniel P. Bork**  
Commissioner

July 31, 2019

Senator Stephen West, 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: 103 KAR 15:050. Filing dates and extensions.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 103 KAR 15:050, the Department of Revenue proposes the attached amendment to 103 KAR 15:050.

Kind regards,

Lisa S. Swiger, Tax Policy Research Consultant II  
Office of Tax Policy and Regulation  
Department of Revenue  
501 High Street, St 1  
Frankfort, Kentucky 40601

lcs  
Cc: file

## Subcommittee Substitute

### FINANCE AND ADMINISTRATION CABINET Department of Revenue (As Amended at ARRS, August 2019)

#### 103 KAR 15:050. Filing dates and extensions.

RELATES TO: KRS 131.081(11), 131.170, ~~[136.100, 141.041,]~~ 141.160, 141.170~~[141.300]~~

STATUTORY AUTHORITY: KRS 131.130, 131.170, 141.050, 141.170 ~~[141.042, 141.050, 141.300]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 131.170~~[131.081(11), 131.170, 141.042(7),]~~ and 141.170 authorize the Department of Revenue to grant a taxpayer an extension of time to file a tax return~~[or to pay an installment of estimated income or limited liability entity tax]~~. This administrative regulation establishes the procedures to be used by an individual, a corporation, a pass-through entity, or a fiduciary~~[or a non-corporate entity]~~ to obtain an extension of time to file an income or limited liability entity tax return~~[or to pay an installment of estimated income tax for a taxable year]~~.

Section 1. Definitions. (1) "Corporation" means a corporation as defined by KRS 141.010(4),~~[an S corporation as defined by KRS 141.010(25),]~~ a limited liability company taxed as a corporation, or other entity taxed as a corporation for Kentucky income tax purposes.

(2) "Date prescribed by KRS~~[136.100 or]~~ 141.160" means the 15<sup>th</sup> day of the fourth month following the close of the taxable year.

(3) "Fiduciary" is defined by [has the same meaning as] KRS 141.010(10).

(4) "General partnership" is a partnership composed of only general partners[;] who are personally liable for [the] partnership debts.

(5) "Pass-through entity" is defined by [has the same meaning as] KRS 141.010(22)[21].~~["Noncorporate entity" means a partnership, a limited liability company treated as a partnership, a trust, a fiduciary, or other entity not tax as a corporation for Kentucky income tax purposes.]~~

Section 2. An extension of Time for Filing an Individual, General Partnership, or Fiduciary~~[Income or Limited Liability Entity]~~ Tax Return. (1) Pursuant to KRS 131.081(11) and 141.170, a taxpayer may obtain an extension of time for filing a Kentucky individual, general partnership, or fiduciary~~[income or limited liability entity]~~ tax return by means of either a federal extension or a Kentucky extension.

(2) Federal extension.

(a) A taxpayer granted an extension of time for filing a federal income tax return shall be granted the same extension of the due date~~[, except as otherwise provided in KRS 141.170(2) time]~~ for filing a Kentucky individual, general partnership, or fiduciary~~[income or limited liability entity]~~ tax return for the same taxable year. A [if a] copy of the federal extension approval or the request for an automatic extension shall be [is] attached to the Kentucky individual, general partnership, or fiduciary~~[income or limited liability entity]~~ tax return when it is filed if the taxpayer is relying upon the federal extension to extend the due date.

(b) An extension of time for filing a Kentucky individual, general partnership, or fiduciary~~[income or limited liability entity]~~ tax return granted pursuant to this subsection shall be valid for the extension period granted by the Internal Revenue Service~~[, except as otherwise provided in KRS 141.170(2), in which a corporation shall be granted an extension of seven (7) month].~~

(c) A copy of the federal extension shall not be mailed to the department separate from the Kentucky individual, general partnership, or fiduciary tax return.~~[on or before the date prescribed by KRS 141.160, except as provided in Section 3 of this administrative regulation.]~~

[(d) A corporation or pass-through entity shall write its Kentucky Account Number in the upper right hand corner of any federal extension submitted.]

(3) Kentucky extension. A taxpayer may file an application for extension with the department on or before the date prescribed by KRS 141.160 for filing the return. ~~[(a)]~~ An individual, general partnership, or fiduciary~~[or a noncorporate entity]~~ shall file Form 740EXT "Application for Extension of Time to File", Revenue Form 40A102.

[(a)]~~[1.]~~ An individual, general partnership, or fiduciary~~[or a noncorporate entity]~~ shall state the reason for the request on the application for extension. The inability~~[Inability]~~ to pay the tax liability shall not be a valid reason.

[(b)]~~[2.]~~ An individual, general partnership, or fiduciary~~[or a noncorporate entity]~~ shall be notified by mail if the application for extension is denied. A copy of an approved application for extension shall not be returned to the taxpayer.[individual, general partnership, or fiduciary or noncorporate entity.]

[(c)]~~[3.]~~ In accordance with KRS 141.170, an individual, general partnership, or fiduciary~~[or a noncorporate entity]~~ shall be granted an extension of time to file for six (6) months unless the application for extension is denied.

[(d)]~~[4.]~~ In accordance with KRS 141.170, an individual outside the United States shall be granted an extension of time to file for twelve (12) months unless the application for extension is denied.

[(e)]~~[5.]~~ A copy of the signed and dated application for extension shall be attached to the Kentucky individual, general partnership, or fiduciary~~[income]~~ tax return when it is filed.

**Section 3. An Extension of Time for Filing a Kentucky Income or Limited Liability Entity Tax Return for Corporations and Pass-Through Entities. (1) Pursuant to KRS 131.081(11) and 141.170, a taxpayer may obtain an extension of time for filing a Kentucky income or limited liability entity tax return by means of either a federal extension or a Kentucky extension.**

**(2) Federal extension. (a) A taxpayer granted an extension of time for filing a federal income tax return shall be granted the same extension of the due date, except as otherwise provided in KRS 141.170(2), for filing a Kentucky income or limited liability entity tax return for the same taxable year. A copy of the federal extension approval or the request for an automatic extension shall be attached to the Kentucky income or limited liability entity tax return when it is filed if the taxpayer is relying upon the federal extension to extend the due date.**

**(b) An extension of time for filing a Kentucky income or limited liability entity tax return granted pursuant to this subsection shall be valid for the extension period granted by the Internal Revenue Service, except as otherwise provided in KRS 141.170(2).**

**(c) A copy of the federal extension shall not be mailed to the department separate from the Kentucky income or limited liability entity tax return.**

**(3) Kentucky extension.** A taxpayer may file an application for extension with the department on or before the date prescribed by KRS 141.160 for filing the return. ~~[(b)]~~ A corporation ~~[, S-corporation,]~~ or pass-through entity shall file Form 720EXT "Extension of Time to File Kentucky Corporation/LLET Return", Revenue Form 41A720SL.

**(a)[1.]** A corporation shall be granted an extension of time to file for seven (7) months pursuant to KRS 141.170(2). ~~[six (6) months.]~~

**(b)[2.]** A pass-through entity shall be granted an extension of time to file for six (6) months.

**(c)[3.]** A copy of an approved application for extension shall not be returned to the corporation or pass-through entity.

**(d)[4.][3.]** The extension shall become valid when mailed to the department on or before the date prescribed by KRS 141.160 for filing the return.

**(e)[5.][4.]** The corporation or pass-through entity shall attach a copy of the signed and dated application for extension to its Kentucky income [tax] or limited liability entity tax[and LLET] return when it is filed ~~["Kentucky Corporation Income Tax And LLET Return", Revenue Form 71A720, when it is filed].~~

(4) An extension of time for filing a Kentucky[an a unitary combined or elective consolidated mandatory nexus consolidated] income or limited liability entity tax return that includes more than one taxpayer shall constitute an extension of time for filing for each taxpayer included in the return ~~[member of the affiliated group].~~

(5) An extension of time for filing a corporation income tax return shall constitute an extension of time for filing a limited liability entity tax return for the same taxable year.

**Section 4[Section 3].** Payment of Tax. (1) An extension of time to file ~~[an income or limited liability entity tax return]~~ shall not constitute an extension of time to pay the tax.

(2) A taxpayer shall determine if an amount of tax remains unpaid on or before the date prescribed by KRS ~~[136.100 or]~~ 141.160 for filing the return.

(3) If tax remains unpaid, a payment ~~[check]~~ for the amount of the unpaid tax shall be submitted to the department on or before the date prescribed by KRS ~~[136.100 or]~~ 141.160 for filing the return along with the Kentucky extension form to ensure proper processing of payments ~~[or a copy of the federal extension].~~

**[(4) A group filing a unitary or elective consolidated income and limited liability entity tax return and making a payment of tax with the application for extension shall file a Kentucky extension to ensure proper processing of payments** A corporation shall write its Kentucky Account Number in the upper right hand corner of the federal extension submitted.

**[(5) An affiliated group filing a mandatory nexus consolidated income tax return and making a payment of tax with the application for extension shall file a Kentucky extension to ensure the proper processing of payments.]**

**Section 5[Section 4].** Interest and Penalties. (1) Statutory interest shall be paid from the date prescribed by KRS ~~[136.100 or]~~ 141.160 for filing the return until the tax is paid.

(2) If the envelope bearing the return is postmarked on or before the filing date, the late filing penalty prescribed by 131.180 shall not apply.

**[Section 5.** Extension of Time to Pay Estimated Income Tax. (1) A request for an extension of time to pay an installment of estimated tax prescribed by KRS 141.042 and 141.300 shall be submitted to the Department of Revenue, 501 High Street, Frankfort, Kentucky 40601.

(2) The request shall state a basis for the extension.

(3) An extension of time to pay an installment of estimated tax shall be granted for thirty (30) days under exceptional circumstances.



~~(4) Interest shall be paid from the due date of the installment of estimated tax until the tax is paid.]~~

Section 6. The forms and materials listed herein may be obtained or inspected, subject to applicable copyright law, from 8:00 a.m. until 4:30 p.m. at the Kentucky Department of Revenue, 501 High Street, Frankfort, Kentucky 40601, on the department Web site at <http://revenue.ky.gov>, or at a Kentucky Department of Revenue Taxpayer Service Center during their hours of operation.

CONTACT PERSON: Lisa Swiger, Tax Policy Research Consultant II, Department of Revenue, 501 High Street, Station 1, Frankfort, Kentucky 40601, (502) 564-9526 (telephone), (502) 564-3875 (fax), [Lisa.Swiger@ky.gov](mailto:Lisa.Swiger@ky.gov) (email).



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Finance and Administration Cabinet

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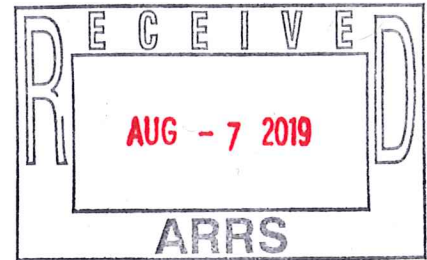
**Matthew G. Bevin**  
Governor

**William M. Landrum III**  
Cabinet Secretary

**Daniel P. Bork**  
Commissioner

August 6, 2019

Senator Stephen West, 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: **103 KAR 16:200**. Consolidated Kentucky corporation income tax return.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 103 KAR 16:200, the Department of Revenue proposes the attached amendment to 103 KAR 16:200.

Kind regards,

Lisa S. Swiger, Tax Policy Research Consultant II  
Office of Tax Policy and Regulation  
Department of Revenue  
501 High Street, St 1  
Frankfort, Kentucky 40601

lcs  
Cc: file

Final: 8/6/19

**SUGGESTED AMENDMENT**

**FINANCE AND ADMINISTRATION CABINET  
Department of Revenue**

**103 KAR 16:200. Consolidated Kentucky corporation income tax return.**

**Page 1**

**RELATES TO**

**Line 5**

After "KRS", insert "141.0401, 141.120(9), 141.121(3),".

After "141.201", insert ", 141.901".

**Page 3**

**Section 2(1)(a)**

**Line 1**

After "all subsequent elections", insert "shall".

Delete "must".



Commonwealth of Kentucky  
Finance and Administration Cabinet

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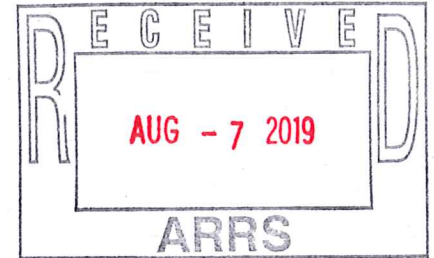
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Cabinet Secretary

**Daniel P. Bork**  
Commissioner

August 6, 2019

Senator Stephen West, 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: **103 KAR 16:250**. Net operating loss computation and deduction for corporations.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 103 KAR 16:250, the Department of Revenue proposes the attached amendment to 103 KAR 16:250.

Kind regards,

Lisa S. Swiger, Tax Policy Research Consultant II  
Office of Tax Policy and Regulation  
Department of Revenue  
501 High Street, St 1  
Frankfort, Kentucky 40601

lcs  
Cc: file

**SUGGESTED AMENDMENT**

**FINANCE AND ADMINISTRATION CABINET  
Department of Revenue**

**103 KAR 16:250. Net operating loss computation and deduction for corporations.**

**\* Page numbers are based on the compiler's re-print of this regulation that included the needed conforming changes.**

**Page 1**

**RELATES TO**

**Line 5**

After "141.011," insert "141.120, 141.121,".

After "141.202", insert ", 141.901".

**Page 1**

**STATUTORY AUTHORITY**

**Line 6**

After "141.018", insert ", 141.050,".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 9**

After "tax laws," insert the following:

KRS 141.050(4) requires the department to promulgate administrative regulations and rules necessary for the proper administration of KRS Chapter 141.

**Page 2**

**Section 1(13)**

**Line 13**

After "141.201(3)", insert "(b)".

**Page 4**

**Section 2(2)(b)**

**Line 8**

After "(b)", delete "No".

Capitalize "prior".

After "loss", insert "carryforwards".

Delete "carryforward".

After "shall", insert "not".

**Page 5**

**Section 2(3)(b)**

**Line 16**

After "(b)", delete "No".

Capitalize "prior".

After "loss", insert "carryforwards".

Delete "carryforward".

After "shall", insert "not".

**Page 6**

**Section 3(3)**

**Line 6**

After "141.202", delete the space before "(5)(c)3."

**Page 7**

**Section 6(1)**

**Line 8**

After "from Year 3", insert a closing parenthesis.

**Page 11**

**Section 6(2)**

**Line 8**

After "Group Dissolves", insert a period.

**Page 11**

**Section 6(2)(1)**

**Line 9**

Before "(1)", insert "(a)".

Delete "(1)".

**Page 12**

**Section 6(2)(1)**

**Line 5**

**\* below Figure 2-1**

After "\*\* See", insert the following:

"Group Carryforward Per Year" amounts from

After "Figure 1", insert "-5".

**Lines 6-8**

After the Figure 2-2 chart and before "The following steps", insert "(b)".

**Page 13**

**Section 6(2)(1)(a)**

**Line 2**

Before "(a)", insert "1.".

Delete "(a)".

**Page 13**

**Section 6(2)(1)(b)**

**Line 3**

Before "(b)", insert "2.".

Delete "(b)".

**Page 13**

**Section 6(2)(1)(b)1.-2.**

**Lines 6-7**

Renumber "1." and "2." as "a." and "b.".

**Page 13**

**Section 6(2)(1)(c)**

**Line 8**

Before "(c)", insert "3.".

Delete "(c)".

**Page 14**

**Section 2(1)(d)**

**Line 4**

Before "(d)", insert "4.".

Delete "(d)".

**Page 15**

**Section 6(3)(1)**

**Line 7**

Before "(1)", insert "(a)".

Delete "(1)".

After "and its three", insert "(3)".

**Page 16**

**Section 6(3)(1)**

**Lines 1-2**

After the Figure 3-1 chart and before "The following steps", insert "(b)".

**Page 16**

**Section 6(3)(1)(a)**

**Line 5**

Before "(a)", insert "1".

Delete "(a)".

**Page 16**

**Section 6(3)(1)(b)**

**Line 6**

Before "(b)", insert "2".

Delete "(b)".

**Page 16**

**Section 6(3)(1)(b)1.-3.**

**Lines 9-11**

Renumber "1." through "3." as "a." through "c".

**Page 16**

**Section 6(3)(1)(c)**

**Line 12**

Before "(c)", insert "3".

Delete "(c)".

**Page 19**

**Section 6(4)**

**Lines 3-4**

After "Group Dissolves." and before "This example", insert "(a)".

**Line 5**

After "and its two", insert "(2)".

**Pages 19-20**

**Section 6(4)**

**Lines 13, 1-2**

After "(See Figure 3-1)" and before "The following steps", insert "(b)".

**Page 20**

**Section 6(4)(a)**

**Line 4**

Before "(a)", insert "1".

Delete "(a)".

**Page 20**

**Section 6(4)(b)**



**Line 5**

Before "(b)", insert "2.".

Delete "(b)".

**Page 20**

**Section 6(4)(b)1.-4.**

**Lines 8-11**

Renumber "1." through "4." as "a." through "d.".

**Page 20**

**Section 6(2)(c)**

**Line 12**

Before "(c)", insert "3.".

Delete "(c)".

**Page 22**

**Section 6(5)**

**Line 5**

After "Example 5", insert a dash.

Delete the colon.

**Page 22**

**Section 6(5)(a)**

**Line 6**

After "and its three", insert "(3)".

**Lines 14-15**

After "(80) percent of net income." And before "The following calculation", insert "(b)".

**Page 23**

**Section 6(5)(a)3.**

**Line 9**

After "(50) percent limitation", insert "if".

Delete "provided that".

**Line 13**

After the Figure 5-2 chart and before "The following steps", insert "(c)".

**Lines 14-15**

After "(See Figure 5-3)." and before "Subtract", insert "1.".

**Pages 23-24**

**Section 6(5)(a)**

**Lines 16, 1-2**

After "100 percent of 2019 taxable income;" and before "Subtract", insert "2.".

**Line 3**

After "Step 1;", insert "and 3.".

**Line 5**

After "shared amount (", insert "fifty (50) percent".

Delete "50%".

**Lines 6-7**

After "after Step 2.", insert "(d)".

Delete "In no case can".

Capitalize "The".

After "utilization of NOLs", insert "to".

After "reduce taxable income", insert "shall not be reduced".

After "zero", insert "under any circumstances".

Delete "(0)".

**Line 12 (\*\* below Figure 5-3)**

After "(\$1,700 - \$1,500)", insert a period.

**Page 24**

**Section 6(6)**

**Line 13**

After "Example 6", insert a dash.

Delete the colon.

**Page 25**

**Section 6(6)(1)**

**Line 1**

Before "(1)", insert "(a)".

Delete "(1)".

After "and its three", insert "(3)".

**Lines 8-9**

After the Figure 6-1 chart and before "The maximum allowable", insert "(b)".

**Lines 12-13**

After the Figure 6-2 chart and before "Figure 6-3 shows", insert "(c)".

**Page 26**

**Section 6(6)(1)**

**Lines 5-6**

After the Figure 6-3 chart, insert "(d)".

Delete "\*\*\*".



Commonwealth of Kentucky  
Finance and Administration Cabinet

**DEPARTMENT OF REVENUE**

501 High Street  
Frankfort, KY 40601  
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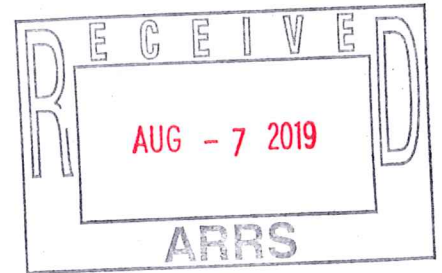
**Matthew G. Bevin**  
Governor

**William M. Landrum III**  
Cabinet Secretary

**Daniel P. Bork**  
Commissioner

August 6, 2019

Senator Stephen West, 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: **103 KAR 16:400**. Combined Unitary Kentucky corporation income tax return.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 103 KAR 16:400, the Department of Revenue proposes the attached amendment to 103 KAR 16:400.

Kind regards,

Lisa S. Swiger, Tax Policy Research Consultant II  
Office of Tax Policy and Regulation  
Department of Revenue  
501 High Street, St 1  
Frankfort, Kentucky 40601

lcs  
Cc: file

Final: 8/5/2019

**SUGGESTED AMENDMENT**

**FINANCE AND ADMINISTRATION CABINET  
Department of Revenue**

**103 KAR 16:400. Combined Unitary Kentucky corporation income tax return.**

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 7**

After "KRS 141.202", insert "establishes".

Delete "sets forth".

**Page 1**

**Section 1(1)**

**Line 15**

After "KRS 141.202", delete the space before "(2)(a)".

**Page 1**

**Section 1(3)(3) (Renumbered as Section 1(4) prepublication by compiler)**

**Line 19**

Delete the definition of "Doing business in this state" in its entirety.

Renumber original subsections (4)-(6) (now renumbered as subsections (5)-(7)) as subsections (4)-(6).

**Page 1**

**Section 1(4) (Renumbered as Section 1(5) prepublication by compiler)**

**Line 20**

After "141.010", insert "(24)".

Delete "(23)".

**Page 1**

**Section 1(5) (Renumbered as Section 1(6) prepublication by compiler)**

**Line 21**

After "141.202", delete the space before "(2)(e)".

**Page 2**

**Section 1(7) (Renumbered as Section 1(8) prepublication by compiler)**

**Lines 2-3**

Delete the definition of "Waters-edge basis" in its entirety.

**Page 2**

**Section 2(1)**

**Line 5**

Before "Separate", delete "(1)".

After "Separate corporations", insert "may".

Delete "can".

**Page 2**

**Section 2(1)(a)**

**Line 7**

Before "(a)", insert "(1)".

Delete "(a)".

After "percent test", insert "shall be".

Delete "is".

**Page 2**

**Section 2(1)(a)1.**

**Line 8**

Before "1.", insert "(a)".

Delete "1.".

**Line 9**

After "whether", insert "the".

Delete "such".

**Page 2**

**Section 2(1)(a)1.a.**

**Line 11**

Before "a.", insert "1.".

Delete "a.".

**Line 12**

After "corporation", insert a semicolon.

Delete the comma.

After "and", delete ", if applicable,".

**Page 2**

**Section 2(1)(a)1.b.**

**Line 13**

Before "b.", insert "2. If applicable.".

Delete "b.".

Lowercase "more".

**Line 15**

After "described in", insert the following:

subsection (1) of this section

Delete "subparagraph (a) above".

**Line 16**

After "this subparagraph", insert a semicolon.

Delete the period.

**Page 2**

**Section 2(1)(a)2.**

**Line 17**

Before "2.", insert "(b)".

Delete "2.".

**Line 18**

After "same person", insert "; or".

Delete the period.

**Page 2**

**Section 2(1)(a)3.**

**Line 19**

Before "3.", insert "(c)".

Delete "3.".

**Lines 20-21**

After "rules described", insert the following:

in subsection (2) of this section

Delete "below in paragraph (b)1."

**Line 21**

After ". Members of the same family", insert "shall be".

Delete "are".

**Page 3**

**Section 2(1)(b)**

**Line 1**

Before "(b)", insert "(2)".

Delete "(b)".

After "otherwise provided", insert "in this section".

After "is "owned"", insert "if".

Delete "when"

**Line 3**

After "U.S.C. 318", insert "(a)" before the comma.

**Line 4**

After "owned except", insert "if".

Delete "when".

**Page 3**

**Section 2(1)(c)**

**Line 7**

Before "(c)", insert "(3)".

Delete "(c)".

**Lines 14-15**

After "the transferor of", insert "that".

Delete "such".

**Page 3**

**Section 2(1)(d)**

**Line 16**

Before "(d)", insert "(4)".

Delete "(d)".

After "tests in", insert the following:

subsection (1) of this section

Delete "paragraph (a)".

**Page 3**

**Section 2(1)(e)**

**Line 19**

Before "(e)", insert "(5)".

Delete "(e)".

**Line 20**

After "conditions of", insert the following:

subsection (1) of this section

Delete "paragraph (a)".

**Page 3**

**Section 2(1)(e)1.**

**Line 21**

Before "1.", insert "(a) If".

Delete "1. When".

**Line 22**

After "requirements of", insert the following:

subsection (1) of this section

Delete "paragraph (a)".

**Page 4**

**Section 2(1)(e)2.**

**Line 1**

Before "2.", insert "(b)".

Delete "2."

**Lines 1-2**

After "conditions of", insert the following:

subsection (1) of this section

Delete "paragraph (a)".

**Page 4**

**Section 3(1)(b)**

**Line 10**

After "described as", insert "1."

Capitalize "requiring".

**Line 11**

After "one", insert "(1)".

**Lines 11-12**

After "another part of the business", insert ", or 2.".

Delete the following:

. Phrased in the disjunctive, the foregoing means that

Capitalize "if".

**Line 12**

After "activities of one", insert "(1)".

**Line 13**

After "either", insert "contribute".

Delete "contributes".

**Page 4**

**Section 3(2)(a)**

**Line 16**

After "and subsection", insert "(1) of this section".

Delete "1".

**Line 17**

After "of a unitary business", insert "shall require".

Delete "requires".

**Page 4**

**Section 3(2)(b)**

**Line 23**



After "combination of", insert "the".  
Delete "such".

**Page 5**

**Section 3(3)**

**Line 3**

After "In", insert "these".  
Delete "such".  
After "cases,", delete the following:  
it is necessary to determine

**Line 5**

After "specifically allocated", insert ", shall be determined".  
After "each unitary business, insert "shall".  
After "then", insert "be".

**Page 5**

**Section 4(1)**

**Line 12**

After "A unitary business", insert "shall be".  
Delete "is".

**Lines 15-16**

After "presence of", insert "these".  
Delete "the".  
After "factors", insert "shall".  
Delete "mentioned above should".

**Page 5**

**Section 4(2)**

**Line 18**

After "Management", insert a comma.

**Page 5**

**Section 4(2)(a)**

**Line 20**

After "(a) Functional integration", insert a period.  
Delete the colon.  
After "Functional integration", insert "shall refer".  
Delete "refers".

**Line 22**

After "Functional integration", insert "shall include".  
Delete the following:

includes, but is not limited to,

**Page 6**

**Section 4(2)(a)**

**Line 2**

After "and processes.", insert "A".

Delete "There is no".

**Lines 2-3**

After "type of functional integration", insert "shall not be required".

Delete "that must be present".

**Line 3**

After "operations that", insert "may".

Delete "can".

**Page 6**

**Section 4(2)(a)1.**

**Line 7**

After "between business activities", insert "may".

**Line 11**

After "Functional integration", insert "shall not be".

Delete "is not".

**Line 12**

After "because", insert "those".

Delete "such".

After "sales", insert "may".

Delete "can".

**Page 6**

**Section 4(2)(a)2.**

**Lines 14-15**

After "among entities", insert "shall indicate".

Delete "is an indication of".

**Line 15**

After "functional integration", insert "if the".

Delete "when such".

**Line 16**

After "exists", insert "if".

Delete "when".

**Line 17**

After "common customer,", insert "if".

Delete "when".

**Line 18**

After ", or", insert "if".

Delete "when".

**Line 20**

After "advertising office", insert "shall".

Delete "does".

**Line 21**

After "integration.", insert "That".

Delete "such".

After "however,", insert "shall be".

Delete "is".

**Page 7**

**Section 4(2)(a)3.**

**Line 2**

After "or development," insert "shall".

**Line 3**

After "functional integration", insert "if".

Delete "when".

**Page 7**

**Section 4(2)(a)4.**

**Line 7**

After "common network", insert "shall provide".

Delete "provides".

**Page 7**

**Section 4(2)(a)5.**

**Line 9**

After "particularly", insert "if".

Delete "where".

**Line 10**

After "savings or", insert "if".

Delete "where".

**Line 11**

After "or sales,", insert "shall provide".

Delete "provides".

**Page 7**

**Section 4(2)(a)6.**

**Line 15**

After "or entities", insert "shall provide".

Delete "provides".

**Line 17**

After "of the lender", insert "shall".

Delete "does".

**Page 7**

**Section 4(2)(b)**

**Line 18**

After "Centralization of management", insert "shall exist if".

Delete "exists when".

**Line 21**

After "Centralization of management", insert "may".

Delete "can".

**Page 8**

**Section 4(2)(b)**

**Lines 1-2**

After "may exist even", insert "if".

Delete "when".

**Lines 2-3**

After "decentralized,", insert "if".

Delete "so long as".

**Line 4**

After "operation role", insert "may".

Delete "can".

**Page 8**

**Section 4(2)(b)1.**

**Lines 6-7**

After "Evidence of centralization of management", insert "shall be".

Delete "is".

**Line 7**

After "provided", insert "if".

Delete "when".

**Line 8**

After "may exist", insert "if".

Delete "when".

**Lines 10-11**

After "showing of centralization of management,", insert "shall".

Delete "does".

**Line 11**

After "Common officers", insert "may be".

Delete "are".

**Page 8**

**Section 4(2)(b)2.**

**Line 13**

After "stewardship oversight", insert "shall not provide".

Delete "are not".

**Line 14**

After "management. Stewardship oversight", insert "shall consist".

Delete "consists".

**Lines 15-16**

After "investment. Stewardship oversight", insert "shall be".

Delete "is".

**Line 17**

After "aspects of one", insert "(1)".

**Page 8**

**Section 4(2)(c)**

**Line 20**

After "Scale. Economies of scale", insert "shall".

**Page 9**

**Section 4(2)(c)**

**Line 1**

After "business operations that", insert "may".

Delete "can".

**Page 9**

**Section 4(2)(c)1.**

**Line 6**

After "purchasing", insert "shall provide".

Delete "provides".

**Page 9**

**Section 4(2)(c)2.**

**Line 12**

After "available market,", insert "shall provide".

Delete "provides".

**Page 9**

**Section 5(1)**

**Line 15**

After "line of business", insert "shall".

**Page 10**

**Section 5(3)**

**Line 1**

After "Business activities", insert "that".

Delete "which".

**Line 2**

After "unitary business", insert "if".

Delete "when".

**Line 3**

After "departments for", delete "such".

**Lines 4-5**

After "functions", insert "such".

After "management", insert "shall exist if".

Delete "exists when".

**Line 7**

After "unitary business", insert "if".

Delete "when".

**Page 10**

**Section 6(1)**

**Line 12**

Before "The combined", delete "(1)".

After "year", insert "shall be".

Delete "is".

**Page 10**

**Section 6(1)(a)**

**Line 13**

Before "(a)", insert "(1)".

Delete "(a)".

**Line 14**

After "taxable year", insert "shall be".

Delete "is".

**Page 10**

**Section 6(1)(b)**

**Line 15**

Before "(b)", insert "(2)".

Delete "(b)".

After "taxable year", insert "shall be".

Delete "is".

**Page 11**

**Section 7(2)**

**Line 1**

After "(2)", insert the following:

Except as provided by subsection (3) of this section,

Lowercase "The".

**Line 2**

After "return, if", insert "shall be".

Delete "is".

**Lines 3-4**

After "combined group", delete the following:

except upon prior approval by the Department

After the period, insert the following:

(3) A designated filer may request to change the method in subsection (1) that is used to determine the portion of a member's income to be included in a combined group by utilizing the method to petition for alternative apportionment as established in 103 KAR 16:330.

**Page 11**

**Section 8(1)**

**Line 5**

After "Designated Filer." (Note: The period was added prepublication by the compiler), delete "(1)".

**Page 11**

**Section 8(1)(a)**

**Line 6**

Before "(a)", insert "(1)".

Delete "(a)".

**Page 11**

**Section 8(1)(a)1.**

**Line 8**

Before "1.", insert "(a)".

Delete "1.".

**Line 9**

After "nexus", insert a semicolon.  
Delete the comma.

**Page 11**

**Section 8(1)(a)2.**

**Line 10**

Before "2.", insert "(b)".  
Delete "2.".

**Page 11**

**Section 8(1)(b)-(d)**

**Lines 11, 13, and 16**

Renumber paragraphs (b) through (d) as subsections (2) through (4).





Commonwealth of Kentucky  
Finance and Administration Cabinet

**DEPARTMENT OF REVENUE**

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Frankfort, KY 40601  
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**Matthew G. Bevin**  
Governor

**William M. Landrum III**  
Cabinet Secretary

**Daniel P. Bork**  
Commissioner

July 31, 2019

Senator Stephen West, 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: 103 KAR 31:030. Direct pay authorization.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 103 KAR 31:030, the Department of Revenue proposes the attached amendment to 103 KAR 31:030.

Kind regards,

Lisa S. Swiger, Tax Policy Research Consultant II  
Office of Tax Policy and Regulation  
Department of Revenue  
501 High Street, St 1  
Frankfort, Kentucky 40601

lcs  
Cc: file

**Staff-suggested Amendment**

**Final Version 7/31/2019 3:32 p.m.  
FINANCE AND ADMINISTRATION CABINET  
Department of Revenue**

**103 KAR 31:030. Direct pay authorization.**

**Page 1**

**STATUTORY AUTHORITY**

**Line 7**

After "139.260, 139.660," insert "139.710".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Lines 8 and 9**

After "139.260, and 139.710", insert "authorize".

Delete "authorized".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 9**

After "administrative regulations for the", delete ": (1)".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 10**

After "enforcement of Kentucky tax laws", insert "and".

Delete "; and (2)".

**Page 2**

**Section 2(5)**

**Lines 19 and 20**

After "office furniture and", insert "equipment".

Delete "Equipment".

**Page 5**

**Section 10(1)(b)**

**Line 9**

After "sales and use tax returns", insert "or".

Delete "and".



Commonwealth of Kentucky  
Finance and Administration Cabinet

**DEPARTMENT OF REVENUE**

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**Matthew G. Bevin**  
Governor

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July 31, 2019

Senator Stephen West, 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: 103 KAR 31:111. Sales and purchases for resale.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 103 KAR 31:111, the Department of Revenue proposes the attached amendment to 103 KAR 31:111.

Kind regards,

Lisa S. Swiger, Tax Policy Research Consultant II  
Office of Tax Policy and Regulation  
Department of Revenue  
501 High Street, St 1  
Frankfort, Kentucky 40601

lcs  
Cc: file

**Staff-suggested Amendment**

**Final Version 7/31/2019 3:35 p.m.  
FINANCE AND ADMINISTRATION CABINET  
Department of Revenue**

**103 KAR 31:111. Sales and purchases for resale.**

**Page 1**

**Section 1(1)**

**Line 16**

After "or services specifically", insert "enumerated".  
Delete "numerated".



## KENTUCKY RETIREMENT SYSTEMS

David L. Eager, Executive Director

Perimeter Park West • 1260 Louisville Road • Frankfort, Kentucky 40601  
kyret.ky.gov • Phone: 502-696-8800 • Fax: 502-696-8822



August 5, 2019

Senator Stephen West, 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: 105 KAR 1:200. Retirement procedures and forms.**

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 105 KAR 1:200, Kentucky Retirement Systems proposes the attached amendment to 105 KAR 1:200.

Sincerely,

Mark C. Blackwell  
Executive Director, Office of Legal Services

KENTUCKY RETIREMENT SYSTEMS  
1260 Louisville Road  
Frankfort, Kentucky 40601

**Suggested Amendment  
FINANCE AND ADMINISTRATION CABINET  
Kentucky Retirement Systems**

**105 KAR 1:200. Retirement procedures and forms.**

**Page 1**

**RELATES TO**

**Line 6**

After "78.545", insert the following:

, 26 U.S.C. 401(a), 26 C.F.R. 1.401-1, 1.401(a)-1

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Lines 8-9**

After "KRS 61.645(9)(e)", insert "requires".

Delete "authorizes".

**Page 2**

**Section 1(1)(b)**

**Line 5**

After "agreement", insert "for reemployment".

Delete "to reemploy".

After "participating employer", insert the following:

after the member's initial retirement date as required by KRS 61.637, 26 U.S.C. 401(a), 26 C.F.R. 1.401-1, and 1.401(a)-1

Delete "in Kentucky Retirement Systems".



## KENTUCKY RETIREMENT SYSTEMS

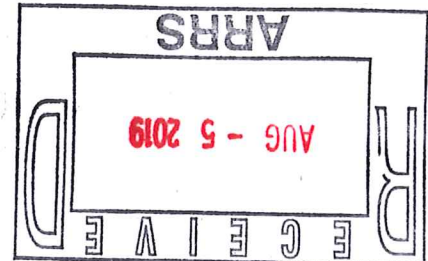
David L. Eager, Executive Director

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August 5, 2019

Senator Stephen West, 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: 105 KAR 1:390. Employment after retirement.**

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 105 KAR 1:390, Kentucky Retirement Systems proposes the attached amendment to 105 KAR 1:390.

Sincerely,

Mark C. Blackwell  
Executive Director, Office of Legal Services

KENTUCKY RETIREMENT SYSTEMS  
1260 Louisville Road  
Frankfort, Kentucky 40601

**Suggested Amendment  
FINANCE AND ADMINISTRATION CABINET  
Kentucky Retirement Systems**

**105 KAR 1:390. Employment after retirement.**

**Page 1**

**STATUTORY AUTHORITY**

**Line 7**

After "KRS", insert "61.590, 61.637(18)".

After "61.645(9)(e)", delete ", 61.637(18)".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 12**

After "KRS 61.637(18) requires Kentucky Retirement Systems to promulgate", insert "administrative".

**Page 2**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 2**

After "1.401(a)-1.", insert the following:

This administrative regulation establishes provisions relating to employment after retirement.

**Page 2**

**Section 1(2)**

**Line 6**

After "one", insert "(1)".

**Page 2**

**Section 1(3)**

**Line 8**

After "position", and the closing quotation marks, delete the following:  
, for the purpose of this administrative regulation,

**Line 9**

After "as defined", insert "by".

Delete "in".

**Line 10**

After "as defined", insert "by".

Delete "in".



**Page 2**

**Section 1(4)**

**Lines 11-12**

After "Reemployment", and the closing quotation marks, delete the following:  
, for purposes of this administrative regulation,

**Page 2**

**Section 2(1)**

**Line 18**

After "shall submit a Form 6000, Notification of Retirement", insert the following:  
, as incorporated by reference in 105 KAR 1:200

**Page 4**

**Section 3(3)(b)**

**Line 1**

After "as provided in", insert "paragraph".  
Delete "(3)".  
After "(a) of this", insert "subsection".  
Delete "section".

**Page 6**

**Section 4(1)(c)**

**Line 7**

After "Reemployment Certification", insert "and".  
Delete "as well as".

**Page 9**

**Section 6(1)(a) and 6(1)(b)**

**Lines 15-16**

After "(a)", delete the following:  
Form 6000, "Notification of Retirement," June 2019;  
(b)

**Page 9**

**Section 6(1)(b) and 6(1)(c)**

**Lines 17-18**

After "June 2019," insert "(b)".  
Delete "(c)".

**Page 9**

**Section 6(1)(c) and 6(1)(d)**

**Lines 19-20**

After "June 2019," insert "(c)".  
Delete "and (d)".

**Page 9**

**Section 6(1)(d)**

**Line 20**

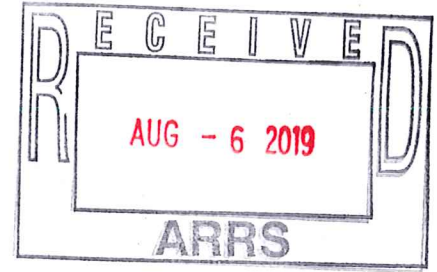
After "June 2019", insert "; and (d)".

**Page 9**

**Section 6(1)(d) and 6(1)(e)**

**Lines 20-21**

Delete ". (e)".



## PUBLIC PROTECTION CABINET

**Matthew G. Bevin**  
Governor

**K. Gail Russell**  
Secretary

656 Chamberlin Avenue, Suite B  
Frankfort, KY 40601  
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**H.E. Corder, II,**  
Executive Director  
Kentucky Real Estate Authority  
Board of Appraisers  
Board of Auctioneers  
Board of Home Inspectors  
Kentucky Real Estate Commission

August 6, 2019

Senator Stephen West, 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 30:010**. Definitions for 201 KAR Chapter 30

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 30:010, the Kentucky Real Estate Authority and Kentucky Real Estate Appraisers Board proposes the attached amendment to 201 KAR 30:010.

Sincerely,

Heather Becker  
General Counsel  
Kentucky Real Estate Authority  
Kentucky Real Estate Appraisers Board  
656 Chamberlin Avenue, Suite B  
Frankfort, Kentucky 40601

**Suggested Amendment  
BOARDS AND COMMISSIONS  
Kentucky Real Estate Authority  
Kentucky Real Estate Appraisers Board**

**201 KAR 30:010. Definitions for 201 KAR Chapter 30.**

**Page 1**

**Section 1(2)**

**Lines 19-21**

After "Appraiser panel", and the closing quotation marks, insert the following:  
is defined by KRS 324A.150(5)

Delete the following:

means a network, list, or roster of licensed or certified appraisers approved by an appraisal management company to perform appraisals as independent contractors for the appraisal management company

**Page 2**

**Section 1(4)**

**Line 3**

After "(4)", insert the following:

"AQB" means the Appraiser Qualification Board of the Appraisal Foundation.

(5) "Associate real property appraiser" means an individual who has fulfilled the requirements for licensure as an associate real property appraiser established by the board.

**Page 2**

**Section 1(4) and Section 1(5)**

**Lines 3-6**

**NOTE TO COMPILER: Delete the remainder of subsection (4) and all of subsection (5) as the definitions previously were not in alphabetical order.**

**Page 3**

**Section 1(13) and Section 1(13)(a) through (c)**

**Lines 13-23**

After "Federally-related transaction", and the closing quotation marks, insert the following:

is defined by KRS 324A.010(8)

Delete the following:

means a real estate-related financial transaction that institutions overseen by a member of the Federal Financial Institutions Examination Council ("FFIEC") either engage in or contract for, which requires the services of a: (a) Certified general

real property appraiser; (b) Certified residential real property appraiser; or (c)  
Licensed residential real property appraiser

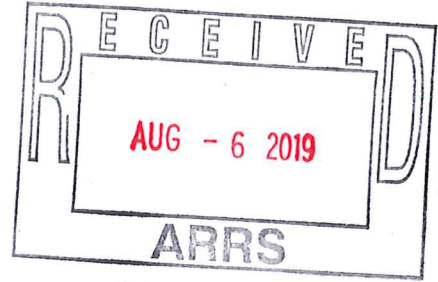
**Page 4**

**Section 1(19) and 1(20)**

**Lines 20-22**

**NOTE TO COMPILER: Change the definitions in the electronic copy to match the definitions as these definitions appear correctly in alphabetical order in the paper copy.**

*Sugg. Am.*



**PUBLIC PROTECTION CABINET**

**Matthew G. Bevin**  
Governor

**K. Gail Russell**  
Secretary

656 Chamberlin Avenue, Suite B  
Frankfort, KY 40601  
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**H.E. Corder, II,**  
Executive Director  
Kentucky Real Estate Authority  
Board of Appraisers  
Board of Auctioneers  
Board of Home Inspectors  
Kentucky Real Estate Commission

August 6, 2019

Senator Stephen West, 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 30:021**. Repeal of 201 KAR 30:020, 30:030, 30:050, 30:060, 30:120, 30:125, 30:150, 30:160, 30:170, 30:180, 30:200, 30:310, 30:315, 30:360, 30:375, and 30:380.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 30:021, the Kentucky Real Estate Appraisers Board proposes the attached amendment to 201 KAR 30:021.

Sincerely,

A handwritten signature in blue ink that reads "Heather Becker".

Heather Becker  
General Counsel  
Kentucky Real Estate Authority  
Kentucky Real Estate Appraisers Board  
656 Chamberlin Avenue, Suite B  
Frankfort, Kentucky 40601

**Suggested Amendment  
PUBLIC PROTECTION CABINET  
Kentucky Real Estate Authority  
Kentucky Real Estate Appraisers Board**

**201 KAR 30:021. Repeal of 201 KAR 30:020, 30:030, 30:050, 30:060, 30:120, 30:125, 30:150, 30:160, 30:170, 30:180, 30:200, 30:310, 30:315, 30:360, 30:375, and 30:380.**

**NOTE TO COMPILER: Please enroll the changes as directed in the staff suggested amendment first, and then enroll the changes as directed in the agency amendment.**

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 14**

After "30:380", insert the following:

, because the content of these administrative regulations is now located in 201 KAR 30:010, 30:040, 30:110, 30:190, and 30:330

Agency Am



## PUBLIC PROTECTION CABINET

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Frankfort KY 40601

Re: **201 KAR 30:021**. Repeal of 201 KAR 30:020, 30:030, 30:050, 30:060, 30:120, 30:125, 30:150, 30:160, 30:170, 30:180, 30:200, 30:310, 30:315, 30:360, 30:375, and 30:380.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 30:021, the Kentucky Real Estate Authority and Kentucky Real Estate Appraisers Board proposes the attached amendment to 201 KAR 30:021.

Sincerely,

A handwritten signature in blue ink, appearing to read "Heather Becker".

Heather Becker  
General Counsel  
Kentucky Real Estate Authority  
Kentucky Real Estate Appraisers Board  
656 Chamberlin Avenue, Suite B  
Frankfort, Kentucky 40601



**Agency Amendment  
PUBLIC PROTECTION CABINET  
Kentucky Real Estate Authority  
Kentucky Real Estate Appraisers Board**

**201 KAR 30:021. Repeal of 201 KAR 30:020, 30:030, 30:050, 30:060, 30:120, [30:125, 30:150, 30:160, 30:170, 30:180,]30:200, 30:310, 30:315, 30:360, 30:375, and 30:380.**

**NOTE TO COMPILER: Please enroll the changes as directed in the staff suggested amendment first, and then enroll the changes as directed in the agency amendment.**

**Page 1**

**TITLE**

**Lines 5-6**

After "30:120," delete the following:  
30:125, 30:150, 30:160, 30:170, 30:180,

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 14**

After "30:120," delete the following:  
30:125, 30:150, 30:160, 30:170, 30:180,

**Page 2**

**Section 1(6) through Section 1(11)**

**Lines 1-6**

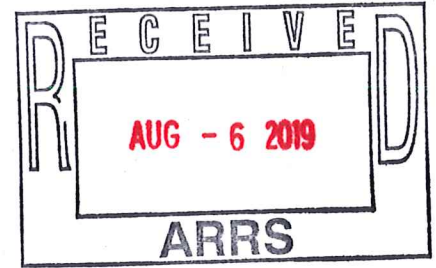
After "(6)", delete the following:  
201 KAR 30:125. Continuing education for appraisers;  
(7) 201 KAR 30:150. Education provider approval;  
(8) 201 KAR 30:160. Standards for instructors;  
(9) 201 KAR 30:170. Evaluation of instructors;  
(10) 201 KAR 30:180. Distance education standards;  
(11)

**Page 2**

**Section 1(12) through Section 1(16)**

**Lines 8-12**

**NOTE TO COMPILER: Renumber subsections (12) through (16) and subsections (7) through (11) within this Section.**



## PUBLIC PROTECTION CABINET

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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 30:040**. Professional standards of practice and conduct.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 30:040, the Kentucky Real Estate Authority and Kentucky Real Estate Appraisers Board proposes the attached amendment to 201 KAR 30:040.

Sincerely,

Heather Becker  
General Counsel  
Kentucky Real Estate Authority  
Kentucky Real Estate Appraisers Board  
656 Chamberlin Avenue, Suite B  
Frankfort, Kentucky 40601

**Suggested Amendment  
BOARDS AND COMMISSIONS  
Kentucky Real Estate Authority  
Kentucky Real Estate Appraisers Board**

**201 KAR 30:040. Professional standards of practice and conduct.**

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 18**

After "standards of conduct", insert ", and includes".

Delete the following:

. This administrative regulation also establishes

**Page 2**

**Section 1(1)**

**Line 1**

After "listed in", insert "paragraphs".

Delete "subsections".

**Line 2**

After "(e) of this", insert "subsection".

Delete "section".

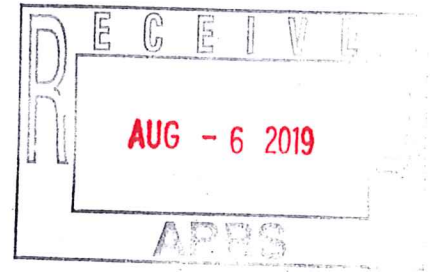
**Page 6**

**Section 6(1)(a)**

**Line 12**

After "Practice", and the closing quotation marks, and the comma, insert "2018-2019".

Delete "current".



## PUBLIC PROTECTION CABINET

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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 30:110**. Appraiser roster and fees.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 30:110, the Kentucky Real Estate Authority and Kentucky Real Estate Appraisers Board proposes the attached amendment to 201 KAR 30:110.

Sincerely,

Heather Becker  
General Counsel  
Kentucky Real Estate Authority  
Kentucky Real Estate Appraisers Board  
656 Chamberlin Avenue, Suite B  
Frankfort, Kentucky 40601

**Suggested Amendment  
BOARDS AND COMMISSIONS  
Kentucky Real Estate Authority  
Kentucky Real Estate Appraisers Board**

**201 KAR 30:110. Appraiser roster and fees.**

**Page 1**

**RELATES TO**

**Line 8**

After "324A.065", delete "(1)(d), (2)(d)".

**Page 1**

**STATUTORY AUTHORITY**

**Line 10**

After "324A.065", delete "(1)(d), (2)(d)".

**Page 2**

**Section 1(2)**

**Line 9**

After "annual roster fee", insert the following:

as established in Section 3 of this administrative regulation

Delete "of forty (40) dollars".

**Page 2**

**Section 2(1)**

**Line 17**

After "USPAP", insert the following:

as incorporated by reference in 201 KAR 30:040.

**Page 3**

**Section 3(1)(a)6.**

**Line 9**

After "(40) dollars;", insert "and".

**Page 3**

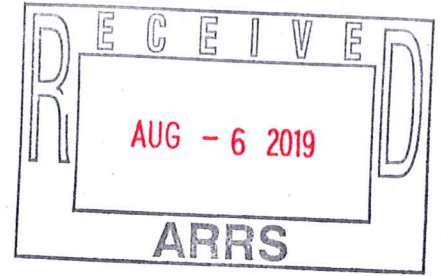
**Section 3(1)(b)5.**

**Line 16**

After "(5) dollars", insert the following:

; and

6. Roster fee: one (1) dollar



## PUBLIC PROTECTION CABINET

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August 6, 2019

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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 30:190**. Certification and licensing requirements.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 30:190, the Kentucky Real Estate Authority and Kentucky Real Estate Appraisers Board proposes the attached amendment to 201 KAR 30:190.

Sincerely,

Heather Becker  
General Counsel  
Kentucky Real Estate Authority  
Kentucky Real Estate Appraisers Board  
656 Chamberlin Avenue, Suite B  
Frankfort, Kentucky 40601

**Suggested Amendment  
BOARDS AND COMMISSIONS  
Kentucky Real Estate Authority  
Kentucky Real Estate Appraisers Board**

**201 KAR 30:190. Certification and licensing requirements.**

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 18**

After "KRS 324A.035(3)", insert "(a) through".

Delete "(d), (e), and".

**Line 19**

After "requirements for", insert the following:

classifications of appraisers, certification and licensure, renewal, suspension, or  
revocation of certificate or licensure,

After "experience", insert ", continuing education,".

**Line 20**

After "examination of applicants.", insert the following:

KRS 324A.045 requires each license or certificate to be renewed annually on the  
date or dates determined by the board by administrative regulation.

**Page 2**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Lines 1-4**

After "in another state.", delete the following:

KRS 324A.035 requires the board to promulgate administrative regulations  
establishing requirements for continuing education for appraisers and license  
renewal procedures for certificate holders and licensees.

**Line 8**

After "for certification or licensure", insert ", and".

Delete ". Additionally, this administrative regulation".

**Lines 12-13**

After "This administrative regulation", delete "also".

**Lines 13-14**

After "nonfederal real property appraiser", insert a semicolon.

Delete the following:

. This administrative regulation establishes

**Line 15**

After "in another state", insert a semicolon.

Delete the following:

. This administrative regulation establishes

**Line 16**

After "licenses and certificates", insert a semicolon.

**Lines 16-17**

Delete the following:

. This administrative regulation establishes

**Line 18**

After "certificate holders or licensees", insert ", and".

**Lines 18-19**

Delete the following:

. This administrative regulation also establishes

**Page 3**

**Section 1(2)**

**Line 5**

After "may", delete "also".

**Page 4**

**Section 3(2)**

**Line 5**

After "notarized", delete "Appraiser License/Certification".

**Line 6**

After "Application", insert the following:

for Appraiser Credential and Reciprocal

**Page 4**

**Section 4**

**Line 8**

After "component of the", insert "U.S.".

Delete "US".

**Line 11**

After "under the 2008", insert "AQB".

**Page 6**

**Section 8(2)(a)**

**Line 20**

After "hours", insert a semicolon.

Delete the period.

**Page 6**

**Section 8(2)(b)**

**Line 21**

After "hours", insert a semicolon.

Delete the period.

**Page 6**

**Section 8(2)(c)**



**Line 22**

After "hours", insert "; and".

Delete the period.

**Page 9**

**Section 9(2)(a)**

**Line 1**

After "hours", insert a semicolon.

Delete the period.

**Page 9**

**Section 9(2)(b)**

**Line 2**

After "hours", insert a semicolon.

Delete the period.

**Page 9**

**Section 9(2)(c)**

**Line 10**

After "hours", insert a semicolon.

Delete the period.

**Page 9**

**Section 9(2)(d)**

**Line 11**

After "hours", insert a semicolon.

Delete the period.

**Page 9**

**Section 9(2)(e)**

**Line 12**

After "hours", insert a semicolon.

Delete the period.

**Page 9**

**Section 9(2)(f)**

**Line 13**

After "hours", insert "; and".

Delete the period.

**Page 10**

**Section 10(2)(a)**

**Line 3**

After "hours", insert a semicolon.

Delete the period.

**Page 10**

**Section 10(2)(b)**

**Line 4**

After "hours", insert a semicolon.

Delete the period.

**Page 10**

**Section 10(2)(c)**

**Line 6**

After "hours", insert a semicolon.

Delete the period.

**Page 10**

**Section 10(2)(d)**

**Line 7**

After "hours", insert a semicolon.

Delete the period.

**Page 10**

**Section 10(2)(e)**

**Line 8**

After "hours", insert a semicolon.

Delete the period.

**Page 10**

**Section 10(2)(f)**

**Line 9**

After "hours", insert a semicolon.

Delete the period.

**Page 10**

**Section 10(2)(g)**

**Line 10**

After "hours", insert a semicolon.

Delete the period.

**Page 10**

**Section 10(2)(h)**

**Line 11**

After "modeling", insert a comma.

After "hours", insert a semicolon.

Delete the period.

**Page 10**

**Section 10(2)(i)**

**Line 12**

After "hours", insert "; and".

Delete the period.

**Page 11**

**Section 10(3)(c)9.**

**Line 12**

After "the topics listed", insert "in this paragraph".

Delete "above".

**Line 14**

After "each)", insert a semicolon.

Delete the period.

**Page 12**

**Section 10(3)(e)**

**Line 3**

After "combination of", insert "paragraphs".

After "(c) and (d)", insert "of this subsection".

**Line 4**

After "identified in", insert "paragraph".

After "(c)", insert "of this subsection".

**Page 12**

**Section 11(2)(a)**

**Line 15**

After "hours", insert a semicolon.

Delete the period.

**Page 12**

**Section 11(2)(b)**

**Line 16**

After "hours", insert a semicolon.

Delete the period.

**Page 12**

**Section 11(2)(c)**

**Line 18**

After "hours", insert a semicolon.

Delete the period.

**Page 12**

**Section 11(2)(d)**

**Line 20**

After "hours", insert a semicolon.  
Delete the period.

**Page 12**

**Section 11(2)(e)**

**Line 21**

After "modeling", insert a comma.  
After "hours", insert a semicolon.  
Delete the period.

**Page 12**

**Section 11(2)(f)**

**Line 22**

After "hours", insert a semicolon.  
Delete the period.

**Page 12**

**Section 11(2)(g)**

**Line 23**

After "hours", insert a semicolon.  
Delete the period.

**Page 13**

**Section 11(2)(h)**

**Line 1**

After "hours", insert a semicolon.  
Delete the period.

**Page 13**

**Section 11(2)(i)**

**Line 2**

After "hours", insert "; and".  
Delete the period.

**Page 13**

**Section 12**

**Line 11**

After "established in the", insert the following:  
2018 AQB Real Property Appraiser Qualification  
Delete "most recent".  
Capitalize the first letter of "criteria".

**Page 13**

**Section 13(1)(a)**

**Line 16**

After "months;" insert, "and".

**Page 13**

**Section 13(1)(b)**

**Line 17**

After "experience", insert "that is".

Delete "shall be".

**Page 15**

**Section 14(5)(a)**

**Line 21**

After "Appraiser Assignment Log", insert the following:  
contained in the Application for Appraiser Credential and Reciprocal

**Page 17**

**Section 15(2)**

**Line 6**

After "his", insert "or her".

After "if", insert "the applicant".

**Page 17**

**Section 15(2)(a)**

**Line 7**

After "(a)", delete "He".

Capitalize the first letter of "has".

**Page 17**

**Section 15(2)(b)**

**Line 8**

After "(b)", delete "He".

Capitalize the first letter of "has".

**Page 17**

**Section 15(2)(c)**

**Line 9**

After "(c)", delete "He".

Capitalize the first letter of "has".

After "his", insert "or her".

**Page 17**

**Section 15(3)**

**Line 15**

After "described in the", insert "Non-Resident Appraiser".  
Capitalize the first letter of "application".  
After "for", capitalize the first letter of "temporary".

**Line 16**

Insert "Practice".  
Delete "licensing".

**Page 17**

**Section 15(4)**

**Line 19**

After "license, if", insert "the applicant".  
Delete "he".

**Page 18**

**Section 16(3)(b)**

**Line 18**

After "Registry of", lowercase the first letter of "The".

**Page 20**

**Section 17(1)**

**Line 15**

After "subsection", insert "(".  
After "2", insert ")".

**Page 21**

**Section 17(2)(a)**

**Line 1**

After "one", insert "(1)".

**Page 22**

**Section 18(4)(b) and 18(2)**

**Lines 19-20**

After "licensure year.", insert "(5)".  
Delete "(2)".

**Page 23**

**Section 18(2)(d) and Section 18(3)**

**Lines 2-3**

After "activities.", insert "(6)".  
Delete "(3)".

**Page 23**

**Section 18(3)(c) and Section 18(4)**

**Lines 7-8**

After "board.", insert "(7)".

Delete "(4)".

**Page 23**

**Section 18(4)(b) and Section 18(5)**

**Lines 12-13**

After "United States.", insert "(8)".

Delete "(5)".

**Page 23**

**Section 20(2)**

**Line 22**

After "he", insert "or she".

**Page 24**

**Section 20(2)(c)**

**Line 4**

After "KRS 324A.065", insert "(1)(b)".

Delete "(2)".

**Page 24**

**Section 21(1)(c)**

**Line 18**

After "Non-", insert "Resident".

Delete "residential".

**Page 24**

**Section 21(1)(f)**

**Line 21**

After "Residential", 6/2019;", delete "and".

**Page 24**

**Section 21(1)(g)**

**Line 22**

After "Inactive Status", 6/2019", insert the following:

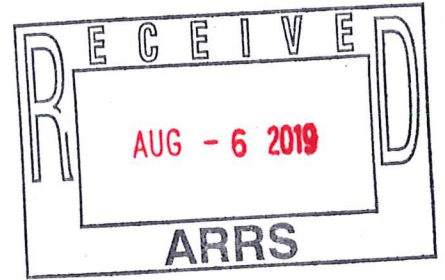
; and

(h) "AQB Real Property Appraiser Qualification Criteria", 1/2008.

**MATERIAL INCORPORATED BY REFERENCE**

The agency needs to file one (1) clean copy of the following at the time that it files this staff suggested amendment:

- 2008 AQB Real Property Qualification Criteria, 1/2008



## PUBLIC PROTECTION CABINET

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Governor

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Secretary

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Executive Director  
Kentucky Real Estate Authority  
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Kentucky Real Estate Commission

August 6, 2019

Senator Stephen West, 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 30:330** Registration and supervision of appraisal management companies.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 30:330, the Kentucky Real Estate Authority and Kentucky Real Estate Appraisers Board proposes the attached amendment to 201 KAR 30:330.

Sincerely,

Heather Becker  
General Counsel  
Kentucky Real Estate Authority  
Kentucky Real Estate Appraisers Board  
656 Chamberlin Avenue, Suite B  
Frankfort, Kentucky 40601



**Suggested Amendment  
BOARDS AND COMMISSIONS  
Kentucky Real Estate Authority  
Kentucky Real Estate Appraisers Board**

**201 KAR 30:330. Registration and supervision of appraisal management companies.**

**Page 1**

**RELATES TO**

**Line 8**

After "324A.163," insert "324B.060(2)."

**Page 1**

**STATUTORY AUTHORITY**

**Line 10**

After "KRS 324A.152", insert "(2)".

After "324A.154," insert "324A.155, 324A.163".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 12**

After "CONFORMITY: KRS", insert the following:

324B.060(2) requires the executive director of the Kentucky Real Estate Authority to review and approve or disapprove any administrative regulation proposed by the Real Estate Appraisers Board prior to the promulgation of the administrative regulation

**Lines 12-16**

Delete the following:

324A.020 and 324A.035 require the Real Estate Appraisers Board, with the approval of the executive director of the Kentucky Real Estate Authority, to promulgate administrative regulations necessary to carry out the provisions of KRS 324A.010 to 324A.164 and to implement and enforce the provisions of KRS 324A.150 to 324A.164

**Line 21**

After "regulation the", insert "filing", before fees.

**Page 2**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 2**

After "operation of an appraisal management company", insert the following:  
and for the implementation and enforcement of KRS 324A.150 to 324A.164

**Line 3-4**

After "renewal of registration for appraisal management companies", insert a semicolon.

Delete "as well as".

**Line 6**

After "fees", insert "and".

Delete the following:

. This administrative regulation also establishes

**Line 7**

After "fund and", insert "the".

Delete "establishes".

**Page 4**

**Section 2(6)(a)**

**Line 10**

After "its notice to", "end".

Delete "wind down".

**Page 4**

**Section 2(6)(b)**

**Lines 11-12**

After "subsection 6(a) of this", lowercase the first letter of "Section".

**Page 5**

**Section 3(1)(c)**

**Line 3**

After "AMC", capitalize the first letter of "recovery", and "fund".

**Page 7**

**Section 6(3)**

**Line 18**

After "process to the", lowercase the first letter of "Board".

**Page 8**

**Section 7(1)(a)2.**

**Line 10**

After "two", insert "(2)".

**Page 9**

**Section 7(5)**

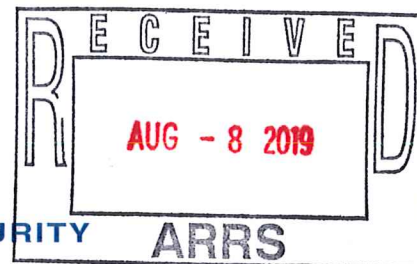
**Line 4**

After "pursuant to", delete "this".

After "subsection", insert "(3) of this section".



OFFICE OF THE GOVERNOR  
KENTUCKY OFFICE OF HOMELAND SECURITY



Matthew G. Bevin  
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John W. Holiday  
Executive Director

August 8, 2019

Senator Stephen West, 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: 202 KAR 6:010. Definitions for 202 KAR Chapter 6; 202 KAR 6:020. CMRS provider cost recovery; 202 KAR 6:050. PSAP certification; 202 KAR 6:060. PSAP pro rata fund disbursement; 202 KAR 6:070. PSAP workload fund disbursement; 202 KAR 6:080. CMRS surcharge remittance and reporting; 202 KAR 6:090. Permitted uses by PSAPs for CMRS funds; 202 KAR 6:100. PSAP Phase II certification

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 202 KAR 6:010, 6:020, 6:050, 6:060, 6:070, 6:080, 6:091, and 6:100, the Kentucky Office of Homeland Security/Kentucky 911 Services Board proposes the attached amendments.

Respectfully submitted,

Mike Sunseri, 911 Services Board Administrator  
Deputy Executive Director, Kentucky Office of Homeland Security  
200 Mero Street  
Frankfort, KY 40622

Final: 8/6/2019

**SUGGESTED AMENDMENT**

**OFFICE OF HOMELAND SECURITY  
911 Services Board**

**202 KAR 6:010. Definitions for 202 KAR Chapter 6.**

**Page 1**

**RELATES TO**

**Line 5**

After "9 U.S.C.", delete "Sections".

After "47 U.S.C.", delete "Sections".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Lines 10-11**

After "administrative regulation", insert "establishes".

Delete "provides".

**Page 2**

**Section 1(9) (Renumbered as Section 1(8) by compiler prepublication)**

**Lines 9-16**

After ""Next Generation 911"", insert the following:

is defined by KRS 65.7621(17)

Delete the remainder of this subsection except for the final period.

**SUGGESTED AMENDMENT**

**OFFICE OF HOMELAND SECURITY  
911 Services Board**

**202 KAR 6:020. CMRS provider cost recovery.**

**Page 1**

**STATUTORY AUTHORITY**

**Line 6**

After "65.7633", insert "(1)".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 7**

After "CONFORMITY: KRS", insert "65.7631(3)".

Delete "64.7631(4)".

**Line 13**

After "65.7633", insert "(1)".

**Page 2**

**Section 3(2)**

**Line 23**

After "to recover", insert a colon.

Delete the semicolon.

**Page 2**

**Section 3(2)(a)**

**Line 1**

After "nonsubscriber-based;", insert "and".

**Page 2**

**Section 3(6)**

**Line 9**

After "(6)", insert the following:

The name and office of any individual

Delete the following:

The carrier must identify the name(s) and office(s) of the individual(s)

**Page 3**

**Section 4(2)**

**Line 16**

After "shall be", insert the following:

evaluated for conformity with the requirements established in Sections 2 and 3 of this administrative regulation, and shall be

**Page 7**

**Section 9**

**Line 16**

After "KRS", insert "65.7631(3)".

Delete "64.7631(4)".

**Page 7**

**Section 10(2)**

**Line 23**

After "CMRS provider", insert "that".

Delete "which".

**Page 10**

**Section 15**

**Line 7**

After "KRS 65.7631(3)(b),", insert "enforcement of".

**SUGGESTED AMENDMENT**

**OFFICE OF HOMELAND SECURITY  
911 Services Board**

**202 KAR 6:050. PSAP certification.**

**Page 1**

**RELATES TO**

**Line 5**

After "KRS", insert 65.760.

After "9 U.S.C.", delete "Sections".

After "42 U.S.C.", delete "sec.".

**Line 6**

After "47 U.S.C.", delete "Sections".

**Page 1**

**STATUTORY AUTHORITY**

**Line 7**

After "65.7631", insert "(6)".

Delete "(4)".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Lines 11-12**

After "KRS 65.7633", insert "(1)".

**Page 4**

**Section 1(5)**

**Line 4**

Before "(5)", insert "(4)".

Delete "(5) Nothing in".

Capitalize "subsection".

After "shall", insert "not".

**Page 4**

**Section 1(6)**

**Line 6**

Before "(6)", insert "(5)".

Delete "(6)".

**Page 4**

**Section 2(2)**

**Line 15**

After "The board shall", insert the following:

evaluate an application for adherence and compliance with all requirements, standards, and guidelines listed in the Kentucky 911 Services Board PSAP Certification Application

Delete the following:

review and act upon an application for certification

**Page 5**

**Section 3(2)(b)**

**Line 12**

After "FCC;", insert "or".

**Page 5**

**Section 3(2)(c)**

**Line 13**

After "(c)", insert "If".

Delete "In the event".

**Page 6**

**Section 4(1)**

**Line 4**

After "Phase II Certification.", delete "(1)".

Renumber paragraphs "(a)" and "(b)" as subsections "(1)" and "(2)".

**Page 6**

**Section 5**

**Line 13**

After "Decertification of a PSAP.", insert "(1)".

**Page 6**

**Section 5(1)**

**Line 14**

Before "(1)", insert "(a)".

Delete "(1)".

**Lines 14-15**

After "65.7631 and", insert "202 KAR Chapter 6".



**Page 6**

**Section 5(2)**

**Line 16**

Before "(2)", insert "(b)".

Delete "(2)".

**Page 6**

**Section 5(3)**

**Line 18**

Before "(3)", insert "(2)".

Delete "(3)".

**Page 6**

**Section 6(1)**

**Line 22**

After "Certification Application", insert a comma.

Delete the parenthesis.

After "04/01/2019", insert a comma.

Delete the parenthesis.

Final: 8/6/2019

**SUGGESTED AMENDMENT**

**OFFICE OF HOMELAND SECURITY  
911 Services Board**

**202 KAR 6:060. PSAP pro rata fund disbursement.**

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 10**

After "65.7631", delete "(2)," and the space before "(3)".

After "(3)," delete "and".

After "(4)", insert ", and (5)".

**Page 1**

**Section 1(2)**

**Line 17**

After "Payments", insert "shall".

Delete "will".

Final: 8/6/2019

**SUGGESTED AMENDMENT**

**OFFICE OF HOMELAND SECURITY  
911 Services Board**

**202 KAR 6:070. PSAP workload fund disbursement.**

**Page 1**

**RELATES TO**

**Line 5**

After "65.7631", insert "(5)".

Delete "(3)".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 11**

After "under", delete the comma.

After "65.7631", delete "(2)," and the space before "(3)".

After "(3),", delete "and".

After "(4)", insert ", and (5)".

Final: 8/6/2019

**SUGGESTED AMENDMENT**

**OFFICE OF HOMELAND SECURITY  
911 Services Board**

**202 KAR 6:080. CMRS surcharge remittance and reporting.**

**Page 1**

**RELATES TO**

**Line 6**

After "65.7643," insert "142.100-142.135."

**Page 1**

**STATUTORY AUTHORITY**

**Line 8**

After "65.7633," insert "(1)".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 14**

After "FCC order," insert the following:

KRS 65.7633(1) requires the Kentucky 911 Services Board to promulgate administrative regulations to implement the provisions of KRS 65.7621 to 65.7643.

**Page 2**

**Section 1(1)**

**Line 2**

After "by reference," insert "and".

**Page 2**

**Section 2(1)**

**Line 14**

After "CMRS Surcharge," delete "(1)".

**Page 3**

**Section 3(3)**

**Line 5**

After "(3) The", insert "Provider Remittance".  
Capitalize "report".

**Page 3**

**Section 6(1)(a)**

**Line 22**

After "Report", insert a closing quotation mark.

After "3/20/2019", delete the quotation mark.

**SUGGESTED AMENDMENT**

**OFFICE OF HOMELAND SECURITY  
911 Services Board**

**202 KAR 6:090. Permitted uses by PSAPs for CMRS funds.**

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Lines 16-17**

After "establishes", insert "requirements".

Delete "guidelines".

**Page 1**

**Section 1(1)**

**Line 21**

After "emergency responder", insert "vehicles".

Delete "vehicle".

**Page 2**

**Section 1(3)**

**Line 3**

After "system", insert a comma.

**Line 4**

After "technicians", insert a comma.

**Page 2**

**Section 2(1)**

**Line 17**

After "for costs", insert "that".

Delete "which".

**Page 2**

**Section 2(2)**

**Lines 19-20**

After "or facilities", insert "that".

Delete "which".

**Page 3**

**Section 2(3)**

**Line 1**

After "or facilities", insert "that".

Delete "which".

**Page 4**

**Section 3(3)**

**Line 15**

After "skills", insert a comma.

**Page 6**

**Section 4(1)**

**Line 13**

After "except", insert "if".

Delete "when".

Final: 8/6/2019

**SUGGESTED AMENDMENT**

**OFFICE OF HOMELAND SECURITY  
911 Services Board**

**202 KAR 6:100. PSAP Phase II certification.**

**Page 1**

**STATUTORY AUTHORITY**

**Line 6**

After "65.7631", insert "(6)(a)".

Delete "(5)(e)".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 11**

After "KRS 65.7633", insert "(1)".

**Pages 1-2**

**Section 1**

**Lines 20, 1**

After "202 KAR 6:050 and", delete "relevant".

Capitalize "sections".

After "sections", insert "5 through 7".

**Page 2**

**Section 2(1)(b)1.**

**Line 13**

After "fiscal year;", delete "and".

**Page 2**

**Section 2(1)(b)2.**

**Line 15**

After "fiscal year", insert "; and".

Delete the period.

**Page 3**

**Section 2(2)(c)1.**

**Lines 1-18**



After "and emergency medical response", insert the following:

in accordance with subsection (3) of this section;

Delete the remainder of subparagraph 1 in its entirety, including clauses a through b.

**Page 3**

**Section 2(2)(c)2.**

**Line 19**

After "centerlines", insert "that".

Delete "which".

**Line 20**

After "regulation;", delete "and".

**Page 3**

**Section 2(2)(c)3.**

**Line 21**

After "of the digital", insert "data set".

Delete "dataset".

**Line 22**

After "structure points", insert "that".

Delete "which".

After "criteria as", insert "established".

Delete "outlined".

**Line 23**

After "Services Board", delete the quotation mark.

After "Mapping Guide", insert a semicolon.

Delete ".""

**Page 3**

**Section 2(2)(c)4.**

**Line 24**

After "4.", delete the following:

The 911 Services Board recommends certified PSAPs present

Capitalize "updated".

**Page 4**

**Section 2(2)(c)4.**

**Lines 1-2**

After "monthly", insert "or".

Delete the following:

, but requires updated digital mapping data sets are presented to the board

After "at least quarterly, as", insert "established".

Delete "outlined".

**Lines 2-3**

After "Board", delete the quotation mark.

After "Guide", insert a semicolon.

Delete ".".

**Page 4**

**Section 2(2)(c)6.**

**Line 9**

After "contracted", insert "third".

Delete "3rd".

**Page 4**

**Section 2(2)(c)7.**

**Line 13**

After "now operational.", insert the following:

(3) Digital maps of the PSAP's response area boundary and emergency service boundaries.

(a) The digital maps required by subsection (2)(c) 1. of this section shall comply with the mapping criteria as established in the Kentucky 911 Services Board Kentucky NG911 Mapping Guide.

(b) Updated electronic response boundary and emergency response boundaries shall be updated or validated at least quarterly.

(c)1. If a PSAP's submitted jurisdictional or an emergency service boundary or boundaries conflicts with the jurisdictional or emergency service boundary or boundaries of another PSAP, the board shall notify all PSAPs affected by the dispute within five (5) working days.

2. The affected PSAPs shall:

a. Negotiate a mutually agreeable resolution to the identified problem;

and

b. Notify the Kentucky 911 Services Board of the result.

3. If within the following thirty (30) days the Kentucky 911 Services Board is not notified of a mutually-agreeable resolution between the affected PSAPs, the board shall establish an arbitration panel that includes no fewer than three (3) members and includes GIS professionals and representatives of PSAPs certified for CMRS funding to determine the proper jurisdictional or emergency service boundary or boundaries.

4. A PSAP may appeal the final determination of a boundary in accordance with KRS Chapter 13B.

**Page 4**

**Section 3(1)(a)**

**Line 22**

After "boundaries as", insert "established".

Delete "outlined".

**Lines 22-23**

After "Board", delete the quotation mark.

After "Guide", delete the quotation mark.

**Page 5**

**Section 3(1)(b)**

**Line 3**

After "response boundary as", insert "established".

Delete "outlined".

**Line 4**

After "Board", delete the quotation mark.

After "Guide", delete the quotation mark.

**Page 5**

**Section 3(1)(c)**

**Line 6**

After "items as", insert "established".

Delete "outlined".

**Line 7**

After "Board", delete the quotation mark.

After "Guide", delete ".".

**Page 5**

**Section 3(1)(d)**

**Line 9**

After "points as", insert "established".

Delete "outlined".

**Line 10**

After "Board", delete the quotation mark.

After "Guide", delete the quotation mark.

**Page 5**

**Section 3(1)(e)**

**Line 11**

After "audit as", insert "established".

Delete "outlined".

**Page 6**

**Section 4(3)(a)**

**Line 5**

After "(a)", delete "1."

Renumber subparagraphs "2." and "3." as paragraphs "(b)" and "(c)".

**Page 6**

**Section 4(3)(a)3. (now renumbered as (c))**

**Line 7**

After "provided.", delete the semicolon.

**Page 8**

**Section 7(1)(b)**

**Line 7**

After "65.7631", insert "(5)".

Delete "(3)".

**Page 8**

**Section 8**

**Lines 11-12**

After "(1)", delete the following:

The following material is incorporated by reference:

**Page 8**

**Section 8(1)(a)**

**Line 13**

Before "The Kentucky", delete "(a)".

**Line 14**

After "Guide", delete the period.

**Line 15**

After "2019", insert the following:

, is incorporated by reference



MATTHEW G. BEVIN  
GOVERNOR

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

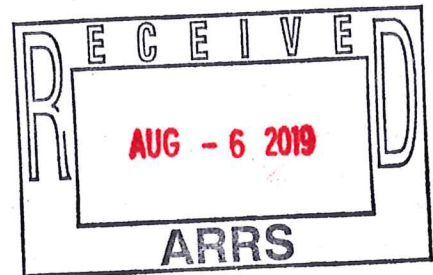
300 SOWER BOULEVARD  
FRANKFORT, KENTUCKY 40601

CHARLES G. SNAVELY  
SECRETARY

ANTHONY R. HATTON  
COMMISSIONER

August 1, 2019

Senator Stephen West, 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: 401 KAR 58:005. Accreditation of asbestos professionals.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 401 KAR 58:005, the Division for Air Quality proposes the attached amendment to 401 KAR 58:005.

Sincerely,

Melissa K. Duff, Director  
Division for Air Quality  
300 Sower Boulevard  
Frankfort, Kentucky 40601



**Suggested Amendment**

**Final Version: 7/31/2019 9:36 AM**

**ENERGY AND ENVIRONMENT CABINET  
Department for Environmental Protection  
Division for Air Quality**

**401 KAR 58:005. Accreditation of asbestos professionals.**

**Page 1**

**RELATES TO**

**Lines 7 and 8**

**Note to Compiler:** Replace the instances of "through" with a dash with a space before and after the dash (to represent the "through" symbol, as opposed to a hyphen.)

**Page 2**

**Section 1(6)**

**Line 18**

After "abatement supervisor", insert "can".

Delete "may".

**Page 3**

**Section 1(12)**

**Line 4**

After "means a state", insert "that".

Delete "which".

**Page 3**

**Section 1(13)**

**Line 7**

After "is requested and", insert "that".

Delete "which".

**Line 9**

After "Control Act (TSCA)", delete the following:  
    , as amended November 28, 1990

**Page 3**

**Section 1(15)**

**Line 15**

After "management planner", insert "can".

Delete "may".

**Page 5**

**Section 4(1)(c)**

**Line 3**

After "request for accreditation," insert "the proofs of training".  
Delete "they".

**Line 4**

After "to the applicant", insert "at the time".  
Delete "when".  
After "is provided or", insert "at the time".  
Delete "when".

**Page 5**

**Section 5**

**Line 14**

After "accreditation if the", delete "cabinet determines that the".

**Page 7**

**Section 8**

**Line 18**

After "an accreditation issued", insert "pursuant to".  
Delete "under".

**Page 8**

**Section 9(2)(b)**

**Line 7**

After "discipline for which", insert "the applicant".  
Delete "he".

**Page 10**

**Section 10(5)**

**Line 3**

After "and the criteria", insert "established".  
Delete "specified".

**Page 11**

**Section 10(6)(a)4.**

**Line 1**

After "an EPA-approved state", insert "with".  
Delete "which has".



MATTHEW G. BEVIN  
GOVERNOR

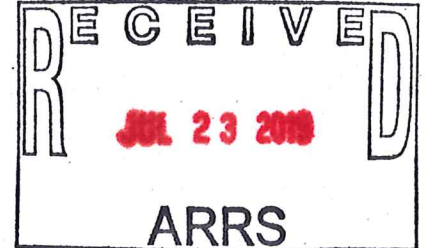
CHARLES G. SNAVELY  
SECRETARY

**ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES**

JOHN D. SMALL  
COMMISSIONER

300 SOWER BOULEVARD  
FRANKFORT, KENTUCKY 40601

July 23, 2019



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

Re: **405 KAR 10:001** – Definitions for 405 KAR Chapter 10  
405 KAR 10:015 – General bonding provisions

Dear Co-Chair West and Co-Chair Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 405 KAR 10:001 and 405 KAR 10:015, the Department for Natural Resources proposes the attached amendments to 405 KAR 10:001 and 405 KAR 10:015.

Sincerely,

Michael S. Mullins  
Regulation Coordinator



**Suggested Amendment**

**Final Version: 7/17/2019 2:53 PM**

**ENERGY AND ENVIRONMENT CABINET  
Department for Natural Resources  
Division of Mine Permits  
(Amended After Comments)**

**405 KAR 10:001. Definitions for 405 KAR Chapter 10.**

**Page 1**

**Section 1(2)**

**Line 19**

After "(2) "Active", lowercase the first letter of "Acre" and, after the closing quotation mark, insert ":(a)".

Capitalize the first letter of "means."

**Lines 20 and 21**

After "July 1, 2013", insert the following:

; and

(b) Does not mean

Delete the following:

. Active acre does not include

**Page 2**

**Section 1(2)(a) through (c)**

**Lines 1, 3, and 5**

Renumber paragraphs (a) through (c) as subparagraphs 1. through 3., respectively.

**Page 2**

**Section 1(4)**

**Line 9**

After "surface," insert "surface water".

Delete "or".

**Page 3**

**Section 1(6)**

**Line 14**

After "permit renewal", delete the comma.

**Lines 15 and 16**

After "Chapter 350 and", insert the following:

405 KAR Chapters 7 through 24

Delete "all applicable administrative regulations".

**Page 4**

**Section 1(18)**

**Line 17**

After "(18) "Federal lands"", insert "(a)".

Capitalize the first letter of "means".

**Line 19**

After "manages the lands", insert the following:

; and

(b) Does not mean

Delete ". It does not include".

**Page 5**

**Section 1(21)**

**Lines 1 and 2**

After "a permittee for", delete "its".

**Page 9**

**Section 1(41)**

**Line 2**

After "having an interest", insert "that".

Delete "which".

**Page 9**

**Section 1(49)**

**Line 22**

After "suspension in water", insert "that".

Delete "which".



MATTHEW G. BEVIN  
GOVERNOR

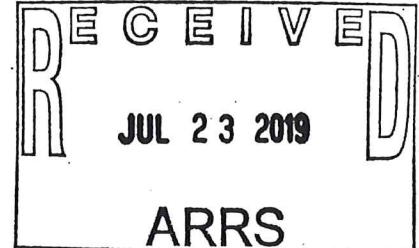
CHARLES G. SNAVELY  
SECRETARY

**ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES**

JOHN D. SMALL  
COMMISSIONER

300 SOWER BOULEVARD  
FRANKFORT, KENTUCKY 40601

July 23, 2019



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

Re: 405 KAR 10:001 – Definitions for 405 KAR Chapter 10  
405 KAR 10:015 – General bonding provisions

Dear Co-Chair West and Co-Chair Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 405 KAR 10:001 and 405 KAR 10:015, the Department for Natural Resources proposes the attached amendments to 405 KAR 10:001 and 405 KAR 10:015.

Sincerely,

Michael S. Mullins  
Regulation Coordinator

**Suggested Amendment**

**Version: 7/17/2019 2:55 PM**

**ENERGY AND ENVIRONMENT CABINET  
Department for Natural Resources  
Division of Mine Permits**

**405 KAR 10:015. General bonding provisions.**

**Page 2**

**Section 1(2)**

**Lines 6 and 7**

After "with the cabinet, on", insert "Performance Bond, Form SME-42".

Delete the following:

a form prescribed and furnished by the cabinet

**Page 3**

**Section 2(5)**

**Line 17**

After "subject to the", delete "following".

After "conditions", insert the following:

established in paragraphs (a) through (d) of this subsection.

Delete the colon.

**Page 5**

**Section 2(5)(c)3.d.**

**Line 8**

After "determined that", insert the following:

, in accordance with 405 KAR Chapters 7 through 24,

**Page 5**

**Section 2(5)(c)3.e.**

**Line 9**

After "an acceptable bond", insert the following:

, in accordance with 405 KAR Chapters 7 through 24,

**Page 5**

**Section 2(6)**

**Line 14**

After "subject to the", delete "following".

**Line 15**

After "conditions", insert the following:

established in paragraphs (a) through (f) of this subsection.

Delete the colon.

**Page 5**

**Section 2(6)(b)**

**Line 21**

After "the bank issuing", insert "the".

Delete "such".

**Page 6**

**Section 2(6)(c)**

**Line 1**

After "is issued by", insert "an".

Delete "a".

**Page 6**

**Section 2(7)**

**Line 12**

After "subject to the", delete "following".

After "conditions", insert the following:

established in paragraphs (a) through (d) of this subsection.

Delete the colon.

**Page 6**

**Section 2(7)(c)**

**Line 21**

After "Confirmation of Irrevocable", insert "Standby".

After "Letter of", delete "Standby".

**Page 9**

**Section 4**

**Line 3**

After "(1) of the", delete "following".

After "methods", insert the following:

established in subsections (1) or (2) of this section.

Delete the colon.

**Page 9**

**Section 4(1)(b)**

**Line 8**

After "(b) Except as", insert "established".

Delete "provided".

**Page 9**

**Section 4(2)(a)**

**Lines 16 and 17**

After "by the cabinet", insert "based on this subsection".

**Page 10**

**Section 4(2)(f)**

**Line 21**

After "(f) Except as", insert "established".

Delete "provided".

**Page 11**

**Section 5(1)**

**Line 7**

After "area or increment", insert "shall be".

Delete "is".

**Lines 7 and 8**

After "transferred to", insert "the".

Delete "such".

**Page 11**

**Section 5(2)**

**Line 10**

After "the cabinet has", insert the following:

, in accordance with 405 KAR Chapters 7 through 24.

**Page 11**

**Section 6(1)**

**Line 20**

After "permit, except as", insert "established".

Delete "provided".

**Page 11**

**Section 6(1)(a)**

**Line 22**

After "Section 24(4)", (first instance) insert "or".

Delete "and".

After "Section 24(4)", (second instance) insert ", or both if applicable".

**Page 12**

**Section 6(1)(c)**

**Line 5**

After "of the requirements", insert "established".

Delete "identified".

**Page 12**

**Section 6(3)**

**Line 12**

After "the bonding amounts", insert "established".

Delete "identified".

**Page 13**

**Section 7(3)**

**Line 1**

After "increment operating on", insert "a".

After "previously mined", insert "area".

Delete "areas".

After ", as defined", insert "by".

Delete "in".

**Page 13**

**Section 8**

**Line 5**

After "bonded at the", delete "following".

After "rates", insert the following:

established in subsections (1) through (7) of this section

**Lines 5 and 6**

After "of Mine Permits", insert a period.

Delete the colon.

**Page 13**

**Section 8(5)**

**Line 20**

After "(5) Operations on", insert "a".

After "previously mined", insert "area".

Delete "areas".

After ", as defined", insert "by".

Delete "in".

**Page 15**

**Section 9(4)**

**Line 21**

After "that the land", insert "shall".

Delete "will".

**Page 16**

**Section 10(1)(b)1.**

**Line 8**

After "has previously requested", delete "such".

**Page 16**

**Section 10(2)**

**Line 13**

After "by the permittee", insert "pursuant to".

Delete "under".

**Line 16**

After "reduction due to", delete "such".

**Page 17**

**Section 11(1)**

**Line 6**

After "405 KAR 16:020, Section", insert "3.".

Delete "2".

**Page 17**

**Section 11(2)**

**Lines 17 and 18**

After "405 KAR 16:020, Section", insert "3.".

Delete "2(3)".

**Line 19**

After "405 KAR 16:020, Section", insert "3.".

Delete "2(3)".

**Page 18**

**Section 11(3)**

**Line 2**

After "405 KAR 16:020, Section", insert "3.".

Delete "2(4)".

**Page 18**

**Section 11(5)**

**Lines 9 and 10**

After "405 KAR 16:020, Section", insert "3.".

Delete "2(1)".

**Page 19**

**Section 12(1)(f)**

**Line 5**

After "October 2008;", insert "and".

**Page 19**

**Section 12(1)(g) and (h)**

**Lines 6 through 8**

After "(g)", delete the remainder of subsection (g) and delete the notation, "(h)".





## JUSTICE AND PUBLIC SAFETY CABINET

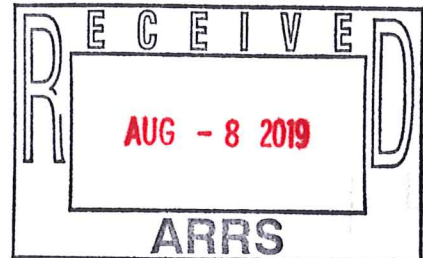
**Matthew G. Bevin**  
Governor

**John C. Tilley**  
Secretary

**Office of Legal Services**  
125 Holmes Street, Second Floor  
Frankfort, Kentucky 40601  
(502) 564-3279  
Fax No. (502) 564-6686

August 8, 2019

Senator Stephen West, 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: 501 KAR 6:160. Correctional Industries.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 501 KAR 6: 160, the Justice and Public Safety Cabinet, Department of Corrections proposes the attached amendment to 501 KAR 6: 160.

Sincerely,

Amy V. Barker  
Assistant General Counsel

enclosure

**JUSTICE AND PUBLIC SAFETY CABINET**  
**Department of Corrections**

**501 KAR 6:160. Correctional Industries.**

**Page 1**

**RELATES TO**

**Line 5**

After "U.S.C.", delete "§".

After "64", insert "Fed. Reg.".

Delete "FR".

After "17000", insert "April 7, 1999".

**Page 1**

**STATUTORY AUTHORITY**

**Line 7**

After "64", insert "Fed. Reg.".

Delete "FR".

After "17000", insert "April 7, 1999".

**Page 1**

**Section 1(1)**

**Lines 16-17**

After "Policies and Procedures", insert "., August 9".

Delete ", June 14".

**Page 2**

**Section 1(1)**

**Line 18**

**CI 08-01-01**

After "(Added", insert "8/9/19".

Delete "6/14/19".

**Page 2**

**Section 1(1)**

**Lines 19-20**

**CI 08-02-01**

After "(Added", insert "8/9/19".

Delete "6/14/19".

**Page 2**

**Section 1(1)**

**Line 22**

**CI 08-03-01**

After "(Added", insert "8/9/19".

Delete "6/14/19".

**Page 3**

**Section 1(1)**

**Line 2**

**CI 08-04-01**

After "(Added", insert "8/9/19".

Delete "6/14/19".

**Changes to Material Incorporated by Reference:**

**CI-08-01-01**

**Page 2**

**II.A.**

After "This comparable wage", insert "shall".

Delete "may".

**Page 3**

**II.A.6.**

After "hourly wage rate.", insert "If".

Delete "Instances where".

**CI 08-02-01**

**Page 1**

**Authority/References Box**

After "KRS", insert "49.480".

After "197.105", delete ", 346.185".

**Page 1**

**I. Definition of PIECP**

After "Certification", insert "Program" or "PIECP".

Delete "Program (PIECP)"

**II.A.1.**

After "1. Room and board", insert ", if any,".

**II.A.2.**

After "KRS", insert "49.480".

Delete "346.185".

**Page 2**

**II.C.**

After "this program shall", insert "not".

Delete "in no way".

After "be interpreted", insert "in any way".

**Attachment – Voluntary Agreement of Participation**

**2.**

After "KRS", insert "49.480".

Delete "346.185".

**4.**

After "if applicable;", insert "and".

**First paragraph under 5. "I further understand..."**

After "this formula", insert the following:

in numbers 1 and 3 above may be changed

Delete "is subject to change".

**CI 08-03-01**

**Page 1**

**I. Definition of CAC**

After "CAC'", delete the extra quotation mark.

**II.**

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

**CI 08-04-01**

**Page 1**

**II.**

After "This process", insert "shall".

Delete "will need to".



**Matthew G. Bevin**  
Governor

**COMMONWEALTH OF KENTUCKY  
TRANSPORTATION CABINET**

Frankfort, Kentucky 40622  
[www.transportation.ky.gov/](http://www.transportation.ky.gov/)

**Greg Thomas**  
Secretary



August 1, 2019

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

Re: 601 KAR 9:130

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 601 KAR 9:130, the Transportation Cabinet proposes the attached amendment to 601 KAR 9:130.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jon Johnson".

Jon Johnson  
Asst. General Counsel  
Transportation Cabinet  
200 Mero St  
Frankfort KY 40622



**Staff-suggested Amendment**

**Version 7/18/2019 2:55 p.m.  
TRANSPORTATION CABINET  
Department of Vehicle Licensing  
Division of Motor Licensing  
(Compiler's Printout Version)**

**601 KAR 9:130. Motor vehicle registration.**

**Page 7**

**Section 17(1)**

**Line 9**

After "186.164(15)(c) shall", delete "and".

**Page 7**

**Section 17(1)(b)**

**Line 12**

After "meets required criteria", insert "; and".

Delete "and;".

**Page 7**

**Section 17(2)(e)**

**Line 21**

After "a nonvoting member", delete "and".

**Page 7**

**Section 17(2)(f)**

**Line 23**

After "office of the Commissioner", insert "; and".

Delete "and;".

**Page 11**

**Section 21(1)(a)**

**Lines 19 and 20**

After "Form TC 96-15", insert "1".

After "revised October 2016", insert "1".

**Page 12**

**Section 21(1)(d)**

**Line 1**

After "(d) Form", insert "TC 96-".



**Matthew G. Bevin**  
Governor

**COMMONWEALTH OF KENTUCKY  
TRANSPORTATION CABINET**

Frankfort, Kentucky 40622  
[www.transportation.ky.gov/](http://www.transportation.ky.gov/)

**Greg Thomas**  
Secretary

August 1, 2019



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

Re: 603 KAR 5:150

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 603 KAR 5:150, the Transportation Cabinet proposes the attached amendment to 603 KAR 5:150.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jon Johnson".

Jon Johnson  
Asst. General Counsel  
Transportation Cabinet  
200 Mero St  
Frankfort KY 40622



**Staff-suggested Amendment**

**Version 7/19/2019 9:18 a.m.  
TRANSPORTATION CABINET  
Department of Highways  
Division of Maintenance**

**603 KAR 5:150. Encroachment permits.**

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Lines 10 and 11**

After "conduit, pipes, poles", insert "1".



Matthew G. Bevin  
Governor



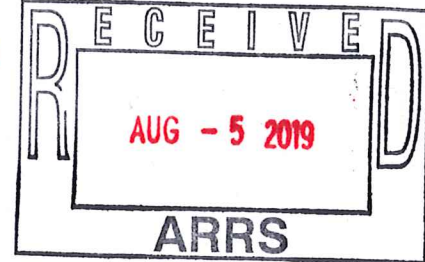
Derrick Ramsey  
Secretary  
Education and Workforce  
Development Cabinet

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

**KENTUCKY DEPARTMENT OF EDUCATION**

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

July 29, 2019



Senator Stephen West, 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: 702 KAR 7:065. Designation of agent to manage middle and high school interscholastic athletics

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 702 KAR 7:065, the Kentucky Board of Education proposes the attached amendment to 702 KAR 7:065.

Sincerely,

A handwritten signature in blue ink, appearing to read "Deanna L. Durrett".

Deanna L. Durrett  
General Counsel

attachment

**Staff-suggested Amendment**

**Final Version 7/31/2019 10:38 a.m.**

**EDUCATION AND WORKFORCE DEVELOPMENT CABINET**

**Kentucky Board of Education**

**Kentucky Department of Education**

**702 KAR 7:065. Designation of agent to manage middle and high school interscholastic athletics.**

**Page 4**

**Section 3(17)**

**Line 3**

After "KHSAA Constitution, KHSAA Bylaws," insert "or".

Delete "and".

**Page 7**

**Section 4(3)(b)4.d.**

**Line 8**

After "the Saturday preceding", insert "week".

**Material Incorporated by Reference**

**Tab 3: Board of Control & Officials' Division Policies**

**Policy-Sports Medicine-General Heat Index and WBGT Monitoring Procedures**

**Section 4(d)**

**Third Sentence**

After "schools using a Wet Blub", insert "Globe".

Delete "Glove".

Matthew G. Bevin  
Governor

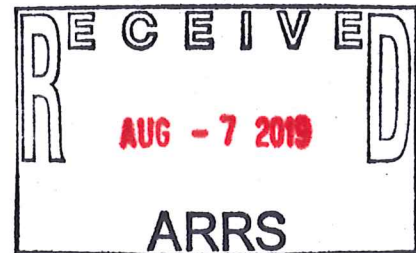


K. Gail Russell  
Secretary

Carol Beth Martin  
Commissioner

PUBLIC PROTECTION CABINET  
1003 Twilight Trail  
Frankfort, Kentucky 40601  
502-564-4850 (o)  
502-564-7479 (f)

August 2, 2019



Senator Stephen West, 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: 804 KAR 10:040. Cities with quotas for quota retail package licenses in excess of statutory default quotas.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 804 KAR 10:040, the Alcoholic Beverage Control Board proposes the attached amendment to 804 KAR 10:040.

Sincerely,

Carol Beth Martin, Chair  
Alcoholic Beverage Control Board  
1003 Twilight Trail  
Frankfort, KY 40601

**Staff-suggested Amendment**

**Final Version 8/2/2019 10:02 a.m.**

**PUBLIC PROTECTION CABINET**

**Department Of Alcoholic Beverage Control**

**804 KAR 10:040. Cities with quotas for quota retail package licenses in excess of statutory default quotas.**

**Page 1**

**RELATES TO**

**Line 6**

After "KRS 241.067,", delete "KRS".

After "241.069,", delete "KRS".

**Page 1**

**STATUTORY AUTHORITY**

**Line 7**

After "KRS 241.060,", delete "KRS".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 12**

After "KRS 241.069 and", delete "KRS".



## 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>

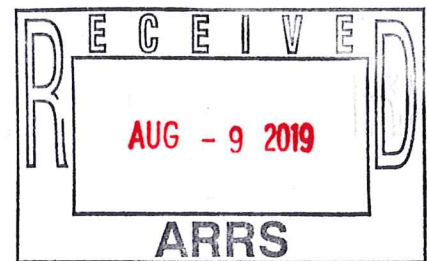
**K. Gail Russell**  
Secretary

**Nancy G. Atkins**  
Commissioner

August 9, 2019

VIA Hand Delivery

Senator Stephen West, 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: 806 KAR 3:240. Corporate Governance Annual Disclosure.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 806 KAR 3:240, the Department of Insurance proposes the attached amendment to 806 KAR 3:240.

Sincerely,

Patrick O'Connor II,  
Deputy Commissioner - Policy  
Department of Insurance

Enclosed: Staff Suggested Substitute (21 Copies)  
Corporate Governance Annual Disclosure Form (7/2019)



**REVISED:**  
**8/2/2019 1:23 PM**  
**Suggested Substitute:**  
**Public Protection Cabinet**  
**Department of Insurance**

**806 KAR 3:240. Corporate Governance Annual Disclosure.**

RELATES TO: **KRS 304.3-235**~~[19 RS HB 220.]~~

STATUTORY AUTHORITY: ~~[19 RS HB 220.]~~ KRS 304.2-110~~[.]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110 authorizes the commissioner **of the Department of Insurance** to make reasonable rules and administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code, **as defined in KRS 304.1-010. KRS 304.3-235**~~[19 RS HB 220]~~ requires insurers and insurance groups to file a corporate governance annual disclosure form. This administrative regulation provides specific details on the contents of the required disclosure and incorporates a form to be utilized by reporting entities to permit efficiency in the review and submission.

Section 1. Definitions. (1) "Corporate Governance Annual Disclosure" or "CGAD" **is defined by KRS 304.3-235(1)(c)**~~[shall mean the corporate governance annual disclosure form to be filed pursuant to this administrative regulation].~~

(2) "Insurance group" **is defined by KRS 301.3-235(1)(a)**~~[shall mean those insurers and affiliates included within an insurance holding company system as defined by KRS 304.37-010(3)].~~

(3) "Insurer" is defined by KRS 304.37-010~~(7)~~**(2)**.

(4) **"Senior Management" means**~~["Senior Management." The term "senior management" shall mean]~~ any corporate officer responsible for reporting information to the board of directors at regular intervals or providing this information to shareholders or regulators, **such as** ~~and shall include, for example and without limitation,~~ the Chief Executive Officer ("CEO"), Chief Financial Officer ("CFO"), Chief Operations Officer ("COO"), Chief Procurement Officer ("CPO"), Chief Legal Officer ("CLO"), Chief Information Officer ("CIO"), Chief Technology Officer ("CTO"), Chief Revenue Officer ("CRO"), Chief Visionary Officer ("CVO"), or any other "C" level executive.

Section 2. Filing Procedures. **(1) The Corporate Governance Annual Disclosure form or CGAD form shall be filed by June 1 of each calendar year in accordance with the provisions of KRS 304.3-235(3) through (6)**~~[(1) No later than June 1 of each calendar year, an insurer required to file a CGAD, or the insurance group of which the insurer is a member required to file a CGAD, shall submit to the commissioner a Corporate Governance Annual Disclosure Form that contains the information described in Section 3 of this administrative regulation and include any additional relevant information necessary to permit the commissioner to gain an understanding of the corporate governance of the insurer or the insurance group of which the insurer is a member.~~

~~—(2) The CGAD shall include a signature of the insurer's or insurance group's chief executive officer or corporate secretary attesting to the best of that individual's belief and knowledge that the insurer or insurance group has implemented the corporate governance practices described in the CGAD and that a copy of the CGAD has been provided to the insurer's or insurance group's Board of Directors or the appropriate committee of the board of directors.~~

~~—(3)(a) The insurer or insurance group may choose to provide information on governance activities, depending on its corporate governance structure, that occur at:~~

~~—1. The ultimate controlling parent level;~~

~~—2. An intermediate holding company level; or~~

~~—3. The individual legal entity level.~~

~~—(b) The insurer or insurance group is encouraged to make the CGAD disclosures at the level at which the insurer's or insurance group's:~~

~~—1. Risk appetite is determined;~~

~~—2. Earnings, capital, liquidity, operations, and reputation are overseen collectively and at which the supervision of those factors are coordinated and exercised; or~~

~~—3. Legal liability for failure of general corporate governance duties would be placed.~~

~~—(c) If the insurer or insurance group determines the level of reporting based on these criteria, it shall indicate which of the three (3) criteria was used to determine the level of reporting and explain any subsequent changes in level of reporting].~~

~~**(2)[(4)] If**~~Notwithstanding subsection (1) of this section, ~~if~~ the CGAD is completed at the insurance group level, then it shall be filed with the lead state of the group as determined by the procedures outlined in the most recent Financial Analysis Handbook adopted by the NAIC, ***which is available at [www.naic.org](http://www.naic.org)***. In these instances, a copy of the CGAD ~~**shall**~~**[must]** also be provided to the chief regulatory official of any state in which the insurance group has a domestic insurer, upon request.

~~[ (5) An insurer or insurance group may comply with this section by referencing other existing documents if the documents provide information that is comparable to the information described in section 3. The insurer or insurance group shall clearly reference the location of the relevant information within the CGAD and attach the referenced document if it is not already filed or available to the regulator.~~

~~—(6) Each year following the initial filing of the CGAD, the insurer or insurance group shall file an amended version of the previously filed CGAD indicating where changes have been made. The filing should identify if no changes were made in the information or activities reported by the insurer or insurance group.]~~

Section 3. Contents of Corporate Governance Annual Disclosure. (1) ~~[The insurer or insurance group shall be as descriptive as possible in completing the CGAD, with inclusion of attachments or example documents that are used in the governance process.~~

~~—(2)]~~ ***The CGAD description of the governance framework and structure required by KRS 304.3-235(5) shall include the following considerations: (a)***~~[The CGAD shall describe the insurer's or insurance group's corporate governance framework and structure including consideration of the following:]~~

(a) The board and various committees thereof ultimately responsible for overseeing the insurer or insurance group and the level at which that oversight occurs. The insurer or insurance group shall describe and discuss the rationale for the current board size and structure; and

(b) The duties of the board and each of its significant committees and how they are governed, as well as how the board's leadership is structured, including a discussion of the roles of chief executive officer and chairman of the board within the organization.

**(2) In accordance with KRS 304.3-235(5)(a)4., the description of the policies and practices of the most senior governing entity and significant committees shall include a discussion of the following factors:**~~[(3) The insurer or insurance group shall describe the policies and practices of the most senior governing entity and significant committees thereof, including a discussion of the following factors:]~~

(a) How the qualifications, expertise and experience of each board member meet the needs of the insurer or insurance group.

(b) How an appropriate amount of independence is maintained on the board and its significant committees.

(c) The number of meetings held by the board and its significant committees over the past year as well as information on director attendance.

(d) How the insurer or insurance group identifies, nominates, and elects members to the board and its committees. The discussion should include, for example:

1. Whether a nomination committee is in place to identify and select individuals for consideration;

2. Whether term limits are placed on directors;

3. How the election and re-election processes function; and

4. Whether a board diversity policy is in place and if so, how it functions.

(e) The processes in place for the board to evaluate its performance and the performance of its committees, as well as any recent measures taken to improve performance, ~~including any board or committee training programs that have been put in place~~.

**[(3)][(4)]** The insurer or insurance group shall describe the policies and practices for directing senior management, including a description of the following factors:

(a) Any processes or practices (i.e., suitability standards) to determine whether officers and key persons in control functions have the appropriate background, experience and integrity to fulfill their prospective roles, including:

1. Identification of the specific positions for which suitability standards have been developed and a description of the standards employed; and

2. Any changes in an officer's or key person's suitability as outlined by the insurer's or insurance group's standards and procedures to monitor and evaluate **these[such]** changes.

(b) The insurer's or insurance group's code of business conduct and ethics, the discussion of which considers, for example:

1. Compliance with laws, rules, and **administrative** regulations; and

2. Proactive reporting of any illegal or unethical behavior.

(c) The insurer's or insurance group's processes for performance evaluation, compensation, and corrective action to ensure effective senior management throughout the organization,



including a description of the general objectives of significant compensation programs and what the programs are designed to reward. The description shall include sufficient detail to allow the commissioner to understand how the organization ensures that compensation programs do not encourage or[and/or] reward excessive risk taking. Elements to be discussed may include, for example:

1. The board's role in overseeing management compensation programs and practices;
2. The various elements of compensation awarded in the insurer's or insurance group's compensation programs and how the insurer or insurance group determines and calculates the amount of each element of compensation paid;
3. How compensation programs are related to both company and individual performance over time;
4. Whether compensation programs include risk adjustments and how those adjustments are incorporated into the programs for employees at different levels;
5. Any clawback provisions built into the programs to recover awards or payments if the performance measures upon which they are based are restated or otherwise adjusted; and
6. Any other factors relevant in understanding how the insurer or insurance group monitors its compensation policies to determine whether its risk management objectives are met by incentivizing its employees.

(d) The insurer's or insurance group's plans for CEO and senior management succession.

**(4) The description of processes required by KRS 304.3-235(5)(a)4.c. shall include a discussion of:**~~[(5) The insurer or insurance group shall describe the processes by which the board, its committees and senior management ensure an appropriate amount of oversight to the critical risk areas impacting the insurer's business activities, including a discussion of:]~~

(a) How oversight and management responsibilities are delegated between the board, its committees, and senior management;

(b) How the board is kept informed of the insurer's strategic plans, the associated risks, and steps that Senior Management is taking to monitor and manage those risks;

(c) How reporting responsibilities are organized for each critical risk area. The description should allow the commissioner to understand the frequency at which information on each critical risk area is reported to and reviewed by senior management and the board. This description may include, for example, the following critical risk areas of the insurer:

1. Risk management processes, **for example, an [(An) ORSA Summary Report filer may refer to its ORSA Summary Report pursuant to the Risk Management and Own Risk and Solvency Assessment Model Act, NAIC model law III-505[]];**

2. Actuarial function;

3. Investment decision-making processes;

4. Reinsurance decision-making processes;

5. Business **strategy or finance**~~[strategy/finance]~~ decision-making processes;

6. Compliance function;

7. Financial **reporting or internal auditing**~~[reporting/internal auditing]~~; and

8. Market conduct decision-making processes.

Section 4. Incorporation by Reference. (1) "Corporate Governance Annual Disclosure," **07/19[06/2019]**, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Insurance, 215 West Main Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

## **Incorporation by Reference Material:**

### **"Corporate Governance Annual Disclosure" 06/19**

#### **Pages 1-8**

##### **Bottom Right Corner of Each Page**

After "CGAD-", insert "07/19".

Delete "06/19".

#### **Page 3**

##### **B. Corporate Governance Framework**

###### **1. Company Oversight and Board Structure**

After "**Structure**", insert "For Consideration:".

After each question, delete "Please Respond Here ".

After the last question, insert the following:

Please respond here and supplement as necessary:

###### **2. Duties of the Board and its Committees**

After "**Committees**", insert "For Consideration:".

After each question, delete "Please Respond Here ".

After the last question, insert the following:

Please respond here and supplement as necessary:

#### **Page 3**

##### **C. Board Policies and Practices**

###### **1. Board Qualifications, Experience and Expertise**

After "**Expertise**" insert "For Consideration:".

After each question, delete "Please Respond Here ".

After the last question, insert the following:

Please respond here and supplement as necessary:

###### **2. Board Independence**

After "**Independence**", insert "For Consideration:".

After each question, delete "Please Respond Here ".

After the last question, insert the following:

Please respond here and supplement as necessary:

###### **3. Meetings and Director Attendance**

After "**Attendance**", insert "For Consideration:".

After each question, delete "Please Respond Here ".

After the last question, insert the following:

Please respond here and supplement as necessary:

## **Pages 3-4**

### **C. Board Policies and Practices**

#### **4. Nominations and Election Process for the Board and its Committees**

After "**Committees**", insert "For Consideration:".

After each question, delete "Please Respond Here ".

After the last question, insert the following:

Please respond here and supplement as necessary:

#### **5. Evaluating Board Performance**

After "**Performance**", insert "For Consideration:".

After each question, delete "Please Respond Here ".

After the last question, insert the following:

Please respond here and supplement as necessary:

## **Page 4**

### **D. Practices for Directing Senior Management**

#### **1. Determining Appropriate Background Experience and Integrity of Key Persons**

After "**Persons**", insert "For Consideration:".

After each question, delete "Please Respond Here ".

After the last question, insert the following:

Please respond here and supplement as necessary:

#### **2. Code of Business Conduct and Ethics**

After "**Ethics**", insert "For Consideration:".

After each question, delete "Please Respond Here ".

After the last question, insert the following:

Please respond here and supplement as necessary:

## **Pages 4-5**

### **D. Practices for Directing Senior Management**

#### **3. Evaluation of Performance and Compensation Programs**

After "**Programs**", insert "For Consideration:".

After each question, delete "Please Respond Here ".

After the last question, insert the following:

Please respond here and supplement as necessary:

## **Page 5**

### **D. Practices for Directing Senior Management**

#### **4. Succession Planning**

After "**Planning**", insert "For Consideration:".

After each question, delete "Please Respond Here ".

After the last question, insert the following:

Please respond here and supplement as necessary:

## **Page 5**

### **E. Critical Risk Areas Impacting Business Activities**

#### **1. Oversight Delegated Between the Board, its Committees and Management**

After "**Management**", insert "For Consideration:".

After each question, delete "Please Respond Here ".

After the last question, insert the following:

Please respond here and supplement as necessary:

#### **2. Board Oversight of Strategic Plans, Associated Risks and Monitoring**

After "**Monitoring**", insert "For Consideration:".

After each question, delete "Please Respond Here ".

After the last question, insert the following:

Please respond here and supplement as necessary:

## **Pages 5-6**

### **E. Critical Risk Areas Impacting Business Activities**

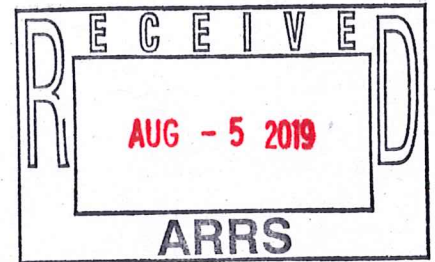
#### **3. Reporting for Critical Risk Areas**

After "**Areas**", insert "For Consideration:".

After each question, delete "Please Respond Here ".

After the last question, insert the following:

Please respond here and supplement as necessary:



Matthew G. Bevin  
Governor

**Cabinet for Health and Family Services**  
**OFFICE OF LEGISLATIVE AND REGULATORY AFFAIRS**  
275 EAST MAIN, 5 W-A  
FRANKFORT, KENTUCKY 40621-0001  
(502) 564-7042  
(502) 564-7091 FAX

Adam M. Meier  
Secretary

**James C. Musser**  
Executive Director

August 5, 2019

Senator Stephen West, 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 45:065. Tattooing.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 902 KAR 45:065, the Department for Public Health proposes the attached suggested amendment to 902 KAR 45:065. If you have any questions, please contact Julie Brooks, Regulation Coordinator for the Department for Public Health, (502)564-3970 ext. 4069.

Sincerely,

James C. Musser  
Executive Director  
Office of Legislative and Regulatory Affairs



Revised: 8/2/2019

**SUGGESTED AMENDMENT**

**CABINET FOR HEALTH AND FAMILY SERVICES**

**Department for Public Health**

**902 KAR 45:065. Tattooing.**

**Page 7**

**Section 2(9)**

**Line 18**

After "tattoo artist", insert "registration".

Delete "certification".

**Page 10**

**Section 3(7)**

**Lines 9-10**

After "each studio", insert "certification".

Delete "registration".

**Page 15**

**Section 5(5)(c)**

**Line 6**

After "sterilization", insert the following:  
as verified by a negative spore test

**Page 19**

**Section 7(4)(g)**

**Line 8**

After "and gives", insert "his or her".

Delete "their".

**Page 20**

**Section 8(3)(a)**

**Line 11**

After "name and", insert "certification".

Delete "registration".

**Page 26**

**Section 12(1)(c)2.**

**Line 7**

After "fifty", insert "(50)".

After "dollars", delete "(\$50)".

**Page 28**

**Section 13(1)(a)**

**Line 16**

After "\$100", insert "permit".

Delete "registration".

**Page 31**

**Section 13(3)(b)**

**Line 6**

After "Submit", insert "the".

Delete "a".

After "registration fee", insert the following:

required by Section 2(6)(b) of this administrative regulation

**Page 33**

**Section 14(4)(a)**

**Line 17**

After "found;", insert "and".

**Page 35**

**Section 15(1)**

**Line 1**

After "notice to the", insert the following:

certificate holder or registered individual

Delete "holder".

**Page 37**

**Section 17(1)**

**Line 1**

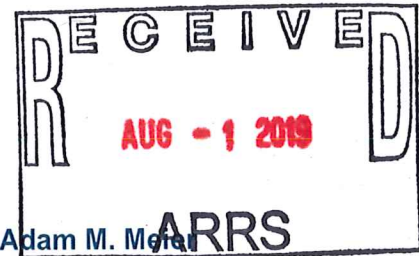
After "Appeals.", delete "(1)".





Matthew G. Bevin  
Governor

**Cabinet for Health and Family Services**  
**OFFICE OF LEGISLATIVE AND REGULATORY AFFAIRS**  
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Adam M. Metcalfe  
Secretary

**James C. Musser**  
Executive Director

August 1, 2019

Senator Stephen West, 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 45:065. Tattooing

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 902 KAR 45:065, and after internal discussions regarding the need to clarify the late renewal policy, and the permitting process for a mobile studio, the Department for Public Health proposes the enclosed agency amendment to 902 KAR 45:065.

Sincerely,

Jim Musser  
Executive Director  
Office of Legislative and Regulatory Affairs

Enclosure  
cc: file



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

902 KAR 45:065. Tattooing.

Page 7

Section 2(9)

Lines 18 to 19

After "not received by", delete "or postmarked on".

Page 9

Section 3(7)

Lines 10 to 11

After "not received by", delete "or postmarked on".

Page 18

Section 7(3) and 7(3)(a)

Lines 17 and 18

After "provided by", delete ": (a)".

Lowercase "A".

Page 18

Section 7(3)(a) and (b)

Lines 19 to 20

After "notary", delete the following:

; or

(b) The custodial parent or legal guardian present during the tattoo procedure

Page 19

Section 7(5)

Lines 11 to 13

After "(5)", delete the following:

The custodial parent or legal guardian present during the tattoo procedure shall provide a government issued photo identification.

(6)

Page 26

Section 12(1)(b)

Line 4

After "studio", insert "owner resides".

Delete "is located".

Page 26  
Section 12(2)  
Line 10

After "(2)", insert the following:

The mobile studio certification shall be:

(a) Valid for statewide operation;

(b) Prominently displayed to the public in the mobile studio; and

(c) Nontransferable from one (1) person to another.

(3) The mobile studio certificate shall expire December 31 each year.

(4) A late renewal fee of \$100 shall be assessed on each mobile studio  
registration renewal application not received by January 31 each year.

(5)

Pages 26 and 27  
Section 12(3) to (9)  
Lines 13, 16, 1, 6, 8, 10, and 23

Renumber subsections (3) through (9) as subsections (6) through (12) respectively.



**Matthew G. Bevin**  
Governor

**Cabinet for Health and Family Services**  
**OFFICE OF LEGISLATIVE AND REGULATORY AFFAIRS**

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**Adam M. Meier**  
Secretary

**James C. Musser**  
Executive Director

August 1, 2019

Senator Stephen West, 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 45:070**. Body piercing and ear piercing

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 902 KAR 45:070, and after internal discussions regarding the need to clarify the late renewal policy, and the permitting process for a mobile studio, the Department for Public Health proposes the enclosed agency amendment to 902 KAR 45:070.

Sincerely,

Jim Musser  
Executive Director  
Office of Legislative and Regulatory Affairs

Enclosure  
cc: file



Agency Amendment

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

902 KAR 45:070. Body piercing and ear piercing.

Page 8

Section 2(9)

Line 15

After "received by", delete "or postmarked on".

Page 10

Section 3(7)

Line 11

After "received by", delete "or postmarked on".

Page 19

Section 7(3) and 7(3)(a)

Lines 18 and 19

After "provided by", delete ": (a)".

Lowercase "A".

Page 19

Section 7(3)(a) and (b)

Lines 20 to 22

After "notary", delete the following:

; or

(b) The custodial parent or legal guardian present during the body piercing procedure

Page 20

Section 7(5)

Lines 13 to 15

After "(5)", delete the following:

The custodial parent or legal guardian present during the body piercing procedure shall provide a government issued photo identification.

(6)

Page 28

Section 13(1)(b)

Line 5

After "studio", insert "owner resides".

Delete "is located".

Page 28  
Section 13(2)  
Line 10

After "(2)", insert the following:

The mobile studio certification shall be:

(a) Valid for statewide operation;

(b) Prominently displayed to the public in the mobile studio; and

(c) Nontransferable from one (1) person to another.

(3) The mobile studio certificate shall expire December 31 each year.

(4) A late renewal fee of \$100 shall be assessed on each mobile studio  
registration renewal application not received by January 31 each year.

(5)

Pages 28 and 29  
Section 13(3) through (9)  
Lines 14, 17, 22, 4, 6, 8, and 21

Renumber subsections (3) through (9) as subsections (5) through (11) respectively.



Matthew G. Bevin  
Governor

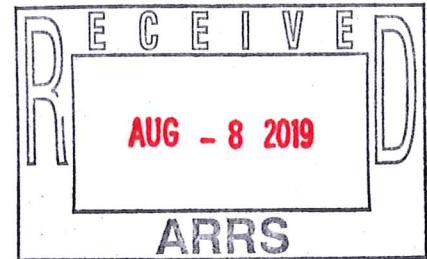
**Cabinet for Health and Family Services**  
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Adam M. Meier  
Secretary

James C. Musser  
Executive Director

August 8, 2019

Senator Stephen West, 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: 907 KAR 1:604. Recipient cost-sharing.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 907 KAR 1:604, the Department for Medicaid Services proposes the attached amendment to 907 KAR 1:604. If you have any questions, please feel free to contact Jonathan Scott, Regulatory and Legislative Advisor with the Department for Medicaid Services at (502) 564-4321 ext. 2015.

Sincerely,

Krista Quarles  
Policy Specialist  
Office of Legislative and Regulatory Affairs  
Cabinet for Health and Family Services



Final: 8/7/2019 11:45 p.m.

**SUGGESTED AMENDMENT**

**CABINET FOR HEALTH AND FAMILY SERVICES  
Department for Medicaid Services**

**907 KAR 1:604. Recipient cost-sharing.**

**Pages 2 and 3**

**Section 1(10) and 1(11)**

**Lines 22-23 and 1**

After "(10)", delete the remainder of this subsection and delete the notation "(11)".

**Page 3**

**Section 1(12) and 1(13)**

**Lines 4 and 15**

Renumber subsections "(12)" and "(13)" as subsections "(11)" and "(12)".

**Page 3**

**Section 1(14) and 1(15)**

**Lines 17-19**

Before "(14)", insert "(13)".

Delete subsection (14) in its entirety and delete the notation "(15)".

**Page 4**

**Section 1(16), 1(17), and 1(18)**

**Lines 4-16**

Before "(16)", insert "(14)".

Delete subsections (16) and (17) in their entirety and delete the notation "(18)".

**Page 4**

**Section 1(19) and 1(20)**

**Lines 17-19**

Before "(19)", insert "(15)".

Delete subsection (19) in its entirety and delete the notation "(20)".

**Page 5**

**Section 2(1)(a)**

**Line 7**

After "Section 3(1)", insert "and (2)".



**Page 7**

**Section 2(1)(b)**

**Chart**

**Pharmacy product class: certain antipsychotic drug**

After "antipsychotic", insert "drugs".

Delete "drug".

**Page 12**

**Section 4(1)(a)2.**

**Line 6**

After "Established in", insert "paragraph (b) of this".

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

**Page 13**

**Section 8**

**Line 22**

After "Applicability of", insert "KAR".

After "895", delete "KAR".

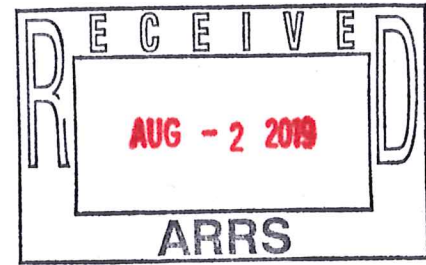
**Page 14**

**Section 8**

**Line 1**

After "pursuant to", insert "KAR".

After "895", delete "KAR".



**Matthew G. Bevin**  
Governor

**Cabinet for Health and Family Services**  
**OFFICE OF LEGISLATIVE AND REGULATORY AFFAIRS**  
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**Adam M. Meier**  
Secretary

**James C. Musser**  
Executive Director

August 2, 2019

Senator Stephen West, 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: **922 KAR 1:495**. Training requirements for foster parents, adoptive parents, and respite care providers for children in the custody of the cabinet.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 922 KAR 1:495, the Department for Community Based Services proposes the attached agency amendment to 922 KAR 1:495. If you have any questions, please feel free to contact Laura Begin in the Department for Community Based Services at (502) 564-3703, ext. 3798.

Sincerely,

Donna Little  
Deputy Executive Director  
Office of Legislative and Regulatory Affairs  
Cabinet for Health and Family Services



8/2/19

**Agency Amendment  
CABINET FOR HEALTH AND FAMILY SERVICES  
Department for Community Based Services  
Division of Protection and Permanency  
(Amended After Comments Version)**

**922 KAR 1:495. Training requirements for foster parents, adoptive parents, and respite care providers for children in the custody of the cabinet.**

**Page 5**

**Section 2(2)(b)**

**Line 12**

After "The cabinet", insert "shall".

Delete "may".

**Line 13**

After "as a child specific foster home", insert the following:

unless the cabinet identifies an unmet need that necessitates training