

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of July 9, 2024

Call to Order and Roll Call

The July meeting of the Administrative Regulation Review Subcommittee was held on Tuesday, July 9, 2024, at 1:00 p.m. in Room 149 of the Capitol Annex. Senator Stephen West, Co-Chair, called the meeting to order, and roll call was taken.

Present were:

Members: Senator Stephen West, Co-Chair; Representative Derek Lewis, Co-Chair; Senators Julie Raque Adams and David Yates; and Representatives Deanna Frazier Gordon and Daniel Grossberg.

LRC Staff: Stacy Auterson, Ange Darnell, Emily Harkenrider, Karen Howard, Anna Latek, and Carrie Nichols.

Guests: Sterling Crayton, Travis Powell, Council on Postsecondary Education; Taylor Brown, State Board of Elections; Amy Burke, Ed Price, Office of the Attorney General; Carrie Bass, Jessica Beaubien, Kentucky Public Pensions Authority; Clay Patrick, Board of Licensure for Occupational Therapy; Christie Ross, Mike Sunseri, 911 Services Board; Dave Dreves, Steven Fields, Department of Fish and Wildlife Resources; Amy Barker, Amelia Howell, Jason Joseph, Department of Corrections; Todd Allen, Sarah Peace, Kentucky Board of Education; Dale Hamblin, Scott Wilhoit, Department of Workers' Claims; Marni Gibson, Chad Harlan, Gary Stephens, Department of Financial Institutions; Scott Collins, Sam Flynn, Shelby Lewis, Oran McFarlan, Gina Oney, Cabinet for Health and Family Services; and Maryellen Allen, Frank Friday, Jefferson County Clerk's Office.

The Administrative Regulation Review Subcommittee met on Tuesday, July 9, 2024, and submits this report:

GENERAL GOVERNMENT CABINET: Council on Postsecondary Education: Public Educational Institutions

[013 KAR 002:120E](#). Comprehensive funding model for the allocation of state general fund appropriations to public universities. Sterling Crayton, attorney, and Travis Powell, senior vice president and general counsel, represented the council.

In response to a question by Co-Chair West, Mr. Powell stated that these emergency administrative regulations were promulgated to comply with legislation from the 2024 Regular Session.

[013 KAR 002:130E](#). Comprehensive funding model for the allocation of state general fund appropriations to Kentucky Community and Technical College System institutions.

STATE BOARD OF ELECTIONS: Electronic Voting Systems

[031 KAR 002:010E](#). Preparation of ballots and voting systems prior to election day. Taylor Brown, general counsel, represented the board.

In response to questions by Senator Yates referencing the entire package of administrative regulations (see the deferred administrative regulations for the discussion of 031 KAR 4:031E, 031 KAR 4:031, 031 KAR 5:040E, and 031 KAR 5:040), Mr. Brown stated that these emergency administrative regulations were implemented smoothly for the 2024 primary elections.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 and 4 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

[031 KAR 002:010](#). Preparation of ballots and voting systems prior to election day.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 and 4 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Statewide Voter Registration

[031 KAR 003:041E](#). Electronic Voter Registration System.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 2 through 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

[031 KAR 003:041](#). Electronic Voter Registration System.

A motion was made and seconded to approve the following amendments: the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 2 through 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Forms and Procedures

[031 KAR 004:220E](#). Recount procedures.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections

2, 3, and 6 through 12 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

[031 KAR 004:220](#). Recount procedures.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 2, 3, and 6 through 12 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Voting

[031 KAR 005:026E](#). Ballot standards and election security.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 2, 6, and 10 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

[031 KAR 005:026](#). Ballot standards and election security.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 2, 6, and 10 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

FINANCE AND ADMINISTRATION CABINET: Kentucky Public Pensions Authority: General Rules

[105 KAR 001:001](#). Definitions. Carrie Bass, general counsel, and Jessica Beaubien, policy specialist, represented the authority.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Section 1 to comply with the drafting requirements of KRS Chapter 13A; and (2) to amend Section 1 to: (a) clarify the definition for “bona fide promotion or career advancement”; and (b) make technical corrections. Without objection, and with agreement of the agency, the amendments were approved.

[105 KAR 001:120](#). Participation of County Employees Retirement System employers.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 6, 8, 9, 11,

and 12 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

[105 KAR 001:190](#). Qualified domestic relations orders.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 2 through 9 and 11 through 21 to comply with the drafting requirements of KRS Chapter 13A; and (2) to amend Section 24 to revise five (5) forms incorporated by reference. Without objection, and with agreement of the agency, the amendments were approved.

[105 KAR 001:411](#). Hospital and medical insurance for retired members and Kentucky Retirement Systems Insurance Fund Trust.

A motion was made and seconded to approve the following amendments: (1) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 2 through 4, 6, 7, 10, and 13 to comply with the drafting requirements of KRS Chapter 13A; (2) to amend the RELATES TO paragraph to make corrections; (3) to amend Section 1 to add a definition for "hospital and medical insurance plan"; and (4) to amend Section 10 to clarify qualifying event options for health insurance contributions. Without objection, and with agreement of the agency, the amendments were approved.

BOARDS AND COMMISSIONS: Board of Licensure for Occupational Therapy

[201 KAR 028:240E](#). Occupational Therapy Licensure Compact. Clay Patrick, general counsel, represented the board.

A motion was made and seconded to approve the following amendments: to amend Section 2 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

INDEPENDENT ADMINISTRATIVE BODIES: Office of Homeland Security: 911 Services Board

[202 KAR 006:090](#). Permitted uses by PSAPs for CMRS funds. Christie Ross, chief operations officer, and Mike Sunseri, deputy executive director, represented the board.

In response to a question by Co-Chair West, Mr. Sunseri stated that this administrative regulation did not relate to emergency communications pertaining to ham radio operators, but the board was available to assist with questions or concerns regarding these constituents.

A motion was made and seconded to approve the following amendments: to amend the TITLE; the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs; and Sections 1 through 3 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

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

[301 KAR 001:001](#). Definitions for 301 KAR Chapter 1. Dave Dreves, fisheries director, and Steven Fields, counsel, represented the department.

[301 KAR 001:152](#). Harvest and sale of invasive carp.

A motion was made and seconded to approve the following amendments: (1) to amend Section 2 to include the types of communication required from Tier II applicants; and (2) to amend Sections 1 through 3 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Licensing

[301 KAR 005:022](#). License, tag, and permit fees.

In response to questions by Co-Chair Lewis, Mr. Dreves stated that experimental commercial fishing methods, such as using a system of seines, could be employed by fishers and would be observed by department officials to ensure that these experimental methods did not cause a detrimental impact to fishing, navigation, or recreation.

A motion was made and seconded to approve the following amendment: to add a new Section 8 that lists quota hunt fees that are established in other administrative regulations. Without objection, and with agreement of the agency, the amendment was approved.

JUSTICE AND SAFETY CABINET: Department of Corrections: Office of the Secretary

[501 KAR 006:330E](#). Corrections policies and procedures; personnel. Amy Barker, assistant general counsel; Amelia Howell, program administrator; and Jason Joseph, branch manager, represented the department.

[501 KAR 006:430E](#). Corrections policies and procedures: communication, mail, and visiting.

Jail Standards for Life Safety Facilities

[501 KAR 013:010](#). Life safety issues.

A motion was made and seconded to approve the following amendment: to amend Section 8 to establish that each female prisoner shall be issued an appropriate number of undergarments. Without objection, and with agreement of the agency, the amendment was approved.

EDUCATION AND LABOR CABINET: Board of Education: Office of Instruction

[704 KAR 003:550](#). Minimum qualifications for paraprofessionals. Todd Allen, deputy commissioner, and Sarah Peace, policy advisor, represented the board.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 1, 2, 4, and 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Office of Learning Support Services

[704 KAR 007:140](#). Authentic high school diploma to an honorably discharged veteran of World War II, the Korean conflict, or Vietnam War.

A motion was made and seconded to approve the following amendments: to amend Sections 1 and 2 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Department for Technical Education: Management of the Kentucky TECH System

[780 KAR 002:031](#). Repeal of 780 KAR 002:010.

Personnel System for Certified and Equivalent Employees

[780 KAR 003:030](#). Appointments.

A motion was made and seconded to approve the following amendments: to amend Section 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

[780 KAR 003:035](#). Employee evaluations.

A motion was made and seconded to approve the following amendments: to amend Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

[780 KAR 003:100](#). Employee actions.

A motion was made and seconded to approve the following amendments: to amend Section 6 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

[780 KAR 003:120](#). Appeals and hearings.

[780 KAR 003:130](#). Employee grievances.

A motion was made and seconded to approve the following amendments: to amend Sections 2 and 3 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Unclassified Personnel Administrative Regulations

[780 KAR 006:010](#). Classification plan.

[780 KAR 006:020](#). Compensation plan.

Department of Workers' Claims

[803 KAR 025:089E](#). Workers' compensation medical fee schedule for physicians. Dale Hamblin, assistant general counsel, and Scott Wilhoit, commissioner, represented the department.

PUBLIC PROTECTION CABINET: Department of Financial Institutions: Securities

[808 KAR 010:260](#). Examination requirement for individuals advising the public on securities, broker-dealers, and agents. Marni Gibson, commissioner; Chad Harlan, assistant director; and Gary Stephens, assistant general counsel, represented the department.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1, 2, 4, and 6 to comply with the drafting and formatting requirements of KRS Chapter 13A; (2) to amend Section 2 to add to the list of professional designations, a Certified Investment Management Analyst (CIMA) awarded by the Investment and Wealth Institute and an individual registered as an investment advisor representative relying on the professional designation of Chartered Investment Counselor (CIC) prior to January 1, 2025, if certain conditions are met; and (3) to amend Section 5 to: (a) require an agent to pass the FINRA Securities Industry Essentials (SIE) and for the appropriate exam, depending on the proposed business; (b) update the FINRA examination Series list; and (c) require that, if registering in Kentucky as a broker-dealer, the applicant shall employ an individual who has passed the appropriate listed exams and shall be deemed a principal of the broker-dealer. Without objection, and with agreement of the agency, the amendments were approved.

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Aging and Independent Living: Aging Services

[910 KAR 001:270](#). Hart-Supported Living grant program. Scott Collins, branch manager, and Gina Oney, assistant director, represented the department.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO paragraph and Sections 1 through 3, 5, 7, 8, and 10 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) to amend Section 7 to change references from the Caregiver Misconduct Registry to the Vulnerable Adult

Maltreatment Registry for consistency with 922 KAR 5:120. Without objection, and with agreement of the agency, the amendments were approved.

Office of the Secretary: Medicinal Cannabis Program

[915 KAR 001:001](#). Definitions for 915 KAR Chapter 1. Sam Flynn, executive director; Shelby Lewis, executive policy advisor; and Oran McFarlan III, deputy executive director, represented the office.

Senator Yates thanked the office for their work on this program. Co-Chair West concurred.

In response to a question by Representative Grossberg, Mr. Flynn stated that this program had a robust public outreach program available through the office's Web site. Web site resources included information for businesses, potential patients, and residents.

In response to questions by Co-Chair West, Mr. Flynn stated that these administrative regulations were faithful to the provisions and authority established in KRS 218.B130. Each jurisdiction began from an opt-in standpoint to allow medical cannabis. A jurisdiction could opt out through local ordinance or voter referendum. If a county opted out, that would affect all communities within that county; however, individual municipalities could in turn vote to opt back in to the program in the same manner.

In response to a question by Senator Yates, Mr. Flynn stated that local government guidance was provided in June to jurisdictions across the state to inform communities of the participation process, including the procedures for the drawings for the limited number of dispensary licenses that would be made available.

In response to a question by Representative Frazier Gordon, Mr. Flynn stated that the office's Web site was kymedcan.ky.gov.

A motion was made and seconded to approve the following amendments: to amend Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

[915 KAR 001:030](#). Cultivator.

A motion was made and seconded to approve the following amendments: to amend Sections 1 through 17 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

[915 KAR 001:040](#). Processor.

A motion was made and seconded to approve the following amendments: to amend Sections 1 through 15 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

[915 KAR 001:050](#). Producer.

A motion was made and seconded to approve the following amendments: to amend Sections 1 and 3 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

[915 KAR 001:060](#). Safety compliance facility.

A motion was made and seconded to approve the following amendments: to amend Sections 1 through 4, 7 through 14, 16, and 17 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

[915 KAR 001:070](#). Dispensary.

A motion was made and seconded to approve the following amendments: to amend Sections 1 through 6, 8 through 12, and 14 through 17 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

[915 KAR 001:080](#). Transportation and delivery of medicinal cannabis.

A motion was made and seconded to approve the following amendments: to amend Sections 1 and 2 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

[915 KAR 001:090](#). Advertising.

A motion was made and seconded to approve the following amendments: to amend Sections 1 and 2 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

[915 KAR 001:100](#). Packaging and labeling of medicinal cannabis.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 3, 4, and 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

[915 KAR 001:110](#). Medicinal cannabis testing.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 3, and 4 through 6 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Patients, Caregivers, and Practitioners

[915 KAR 002:001](#). Definitions for 915 KAR Chapter 2.

[915 KAR 002:010](#). Procedures for registry identification cards.

A motion was made and seconded to approve the following amendments: (1) to amend Sections 1 through 4 and 6 through 8 to comply with the drafting requirements of KRS Chapter 13A; and (2) to amend Section 8 to add incorporated material. Without objection, and with agreement of the agency, the amendments were approved.

[915 KAR 002:020](#). Supply limits and equivalency formula.

[915 KAR 002:030](#). Written certifications.

A motion was made and seconded to approve the following amendments: (1) to amend Sections 1 and 2 to comply with the drafting requirements of KRS Chapter 13A; and (2) to add a new Section 3 to include incorporated material. Without objection, and with agreement of the agency, the amendments were approved.

[915 KAR 002:040](#). Procedures to publish list of varieties of medicinal cannabis.

A motion was made and seconded to approve the following amendment: to amend Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendment was approved.

The following administrative regulations were deferred or removed from the July 9, 2024, subcommittee agenda:

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY: Division of Student Financial Aid: Kentucky Higher Education Assistance Authority

[011 KAR 004:080](#). Student aid application.

Kentucky Educational Excellence Scholarship Program

[011 KAR 015:090](#). Kentucky Educational Excellence Scholarship (KEES) program.

[011 KAR 015:110](#). Scholarships for Registered Apprenticeship and Qualified Workplace Training programs.

EDUCATION AND LABOR CABINET: Education Professional Standards Board: Teaching Certificates

[016 KAR 002:160](#). Probationary certificate for teachers of exceptional children.

STATE BOARD OF ELECTIONS: Electronic Voting Systems: Forms and Procedures

[031 KAR 004:031E](#). Reporting. Taylor Brown, general counsel, represented the board. Maryellen Allen, co-director of elections, and Frank Friday, director of government affairs, represented the Jefferson County Clerk's Office in opposition to these administrative regulations.

In response to questions by Senator Yates referencing the entire package of administrative regulations, Mr. Brown stated that these emergency administrative regulations were implemented without issue for the 2024 primary elections.

In response to a question by Co-Chair West, Mr. Friday stated that the Jefferson County Clerk's Office had three (3) concerns regarding these administrative regulations. Jefferson County did not believe that the matters established in 031 KAR 4:031E and 031 KAR 5:040E constituted a clear emergency. Additional time and staff would be needed to report write-in candidates on election night, which was an unnecessary burden on the limited Jefferson County Clerk's Office. Another regulatory obstacle was the requirement to include supplemental voter names on the E-poll rosters.

In response to questions by Co-Chair West, Ms. Allen stated that 031 KAR 4:031E and 031 KAR 4:031 required an election-night tally of the number of write-in votes for each candidate who was officially declared as a write-in candidate as registered with the Secretary of State or County Clerk. The election-night results could not be reported until all of the votes, including the write-in information, were tallied, thus slowing down the reporting of election-night information from Jefferson County. Historically, write-in votes were not tallied on election night, but those results were included as part of the certification process. The deadline to declare a write-in candidate intent was ten (10) days prior to election day. It did not seem prudent to delay election-night results in a presidential election for the reporting of write-in candidate tallies.

In response to questions by Co-Chair West, Mr. Brown stated that the requirement for election-night reporting of write-in candidates was not explicitly mandated by statute. The board's vendor, Election Systems and Software, had indicated that the process would not be onerous or cause significant delays. Kentucky's other counties had not expressed concerns with the requirement, and voters deserved this information on election night.

In response to a question by Co-Chair West, Mr. Friday stated that the process of examining write-in candidates, which included screenshots downloaded onto a laptop from thumbdrives from voting devices, would not violate statutory prohibitions against internet accessibility of voting information. Ms. Allen stated that, while Jefferson County was willing to comply with these requirements, there was insufficient time to change procedures before a presidential election. Jefferson County expected to collect thumbdrives from 627 precincts on election night.

Senator Raque Adams stated that it might be prudent to remove the emergency administrative regulations that governed these issues in order to ensure a smooth process in November and give Jefferson County more time to prepare for compliance with the

ordinary administrative regulations. Delaying all results in order to report information pertaining to write-in candidates seemed like a significant problem.

Senator Yates agreed with Senator Raque Adams' potential resolution. In response to a question by Senator Yates, Mr. Brown stated that the vendor, Election Systems and Software, was headquartered in Omaha, Nebraska.

In response to questions by Co-Chair West, Mr. Friday stated that removing the emergency administrative regulations that governed these issues would mitigate most of Jefferson County's concerns. Mr. Brown stated that any election-night delay resulting from implementing these administrative regulations would be minimal. Ms. Allen stated that new procedures would add to an already complex process and require additional training for election officers and alternates. The overall goal was laudable; however, Jefferson County needed more implementation time.

Representative Grossberg stated that it was possible for artificial intelligence programs (AI) to read ballots, including processing write-in information, very quickly; however, it would not be prudent to rush a system that had not been empirically tested in real time.

In response to questions by Senator Raque Adams, Mr. Brown stated that the statutory authority for these provisions was established under KRS 117.015, which did not explicitly mandate the reporting of write-in candidates on election night. Other counties without the more robust resources of Jefferson County did not express these concerns, and the vendor had stated that this system worked well for the primaries earlier this year. One (1) county was attempting to constrain the other 119 counties unnecessarily, and it was important for all 120 counties to conduct elections uniformly to ensure a free and fair process. Mr. Friday stated that the primaries did not include write-in candidates. Ms. Allen stated that Jefferson County ballots were more complex than most of the rest of Kentucky's ballots.

In response to questions by Co-Chair West, Mr. Friday stated that, in order to include the names of supplemental voters on E-poll rosters, election clerks had to have access to a passcode, which posed a security risk, or contact election headquarters for each supplemental voter, which added to delays. Mr. Brown stated that delays would be minimal, and Kentucky had spent millions to provide counties with these E-poll rosters. Forms of acceptable identification were statutorily authorized, and these administrative regulations had not been revised pertaining to acceptable identification.

In response to questions by Co-Chair West, Mr. Brown stated that these administrative regulations were filed on an emergency basis in order to ensure the public welfare through free and fair elections, as required by the Constitution of the Commonwealth of Kentucky, Section 150. If one (1) county administered an election differently than the others, that lack of uniformity would be detrimental to the ideal of a free and fair election. If these emergency administrative regulations were removed, all Kentucky counties would continue to be under the same election requirements. Ms. Allen

stated that there did not seem to be a statutory requirement to capture an electronic image of a voter's signature; therefore, not capturing those images would not seem to impact the determination of a free and fair election. Mr. Friday and Ms. Allen stated that there were already other differences of uniformity with elections because, for example, some counties had early voting at precinct-only voting centers, while other counties did not.

Senator Raque Adams clarified that Jefferson County was not declining to comply with these requirements but was instead asking for a delay to ensure a successful rollout. In response, Mr. Brown stated that it was unclear what changes would take place in the future to make compliance with these administrative regulations more feasible for Jefferson County.

In response to a question by Representative Grossberg, Mr. Friday stated that Jefferson County would be amenable to a compromise in which the county would report the total number of write-in votes on election night, without providing the specific individual write-in candidate tallies. Mr. Brown stated that details, such as misspelled candidate names, would be matters litigated after election night, but the board would be amenable to a compromise. Ms. Allen stated that many small cities within Jefferson County were expected to have write-in candidates. Representative Grossberg stated that Fairfax, Virginia provided tallies of the number of write-in candidates without immediately providing the specific individual write-in candidate tallies.

In response to a question by Co-Chair West, Mr. Brown stated that the board agreed to defer consideration of these emergency and ordinary administrative regulations until the August meeting of this subcommittee.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 4 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

A motion was made and seconded to defer consideration of 031 KAR 4:031E and 031 KAR 5:040E to the August meeting of this subcommittee. Without objection, and with agreement of the agency, these emergency administrative regulations were deferred.

A motion was made and seconded to defer consideration of 031 KAR 4:031 and 031 KAR 5:040 to the August meeting of this subcommittee. Without objection, and with agreement of the agency, these ordinary administrative regulations were deferred.

[031 KAR 004:031](#). Reporting.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 4 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Voting

[031 KAR 005:040E](#). Questions regarding voter eligibility.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 4 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

[031 KAR 005:040](#). Questions regarding voter eligibility.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 4 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

OFFICE OF THE ATTORNEY GENERAL: Department of Law: Criminal Investigations

[040 KAR 010:010](#). Uniform procedure and timeline for conducting independent election inquiries. Amy Burke, former assistant deputy attorney general, Department of Criminal Investigations, and Ed Price, division director, Public Corruption Unit, Department of Criminal Investigations, represented the department.

In response to a question by Co-Chair West, Ms. Burke stated that this administrative regulation was indirectly impacted by the administrative regulations from the State Board of Elections that were deferred; therefore, the department requested to defer consideration of this administrative regulation to the August meeting of this subcommittee.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 4 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, these amendments were approved.

A motion was made and seconded to defer consideration of this administrative regulation to the August meeting of this subcommittee. Without objection, and with agreement of the agency, this administrative regulation was deferred.

KENTUCKY PERSONNEL BOARD

[101 KAR 001:335](#). Employee actions.

[101 KAR 001:345](#). Disciplinary actions.

[101 KAR 001:375](#). Employee grievances and complaints.

[101 KAR 001:396](#). Repeal of 101 KAR 001:395.

BOARDS AND COMMISSIONS: Board of Pharmacy

[201 KAR 002:015](#). Continuing education.

[201 KAR 002:030](#). License transfer and Non-resident Pharmacist License.

[201 KAR 002:050](#). License and permits; fees.

[201 KAR 002:220](#). Collaborative care agreements.

[201 KAR 002:465](#). Non-Resident Pharmacy Applications and Waivers.

Board of Nursing

[201 KAR 020:320](#). Standards for curriculum of prelicensure registered nurse and practical nurse programs.

PUBLIC PROTECTION CABINET: Department of Housing, Buildings and Construction: Kentucky Building Code

[815 KAR 007:120](#). Kentucky Building Code.

[815 KAR 007:125](#). Kentucky Residential Code.

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Public Health: Food and Cosmetics

[902 KAR 045:001E](#). Definitions for hemp-derived cannabinoid products.

[902 KAR 045:012E](#). Hemp-derived cannabinoid product retail and food service establishment requirements.

[902 KAR 045:021E](#). Hemp-derived cannabinoid products registration, processing, manufacturing, storage and distribution requirements.

[902 KAR 045:031E](#). Hemp-derived cannabinoid product sampling and testing requirements.

Department for Medicaid Services

[907 KAR 001:044](#). Coverage provisions and requirements regarding community mental health center behavioral health services.

Behavioral Health

[907 KAR 015:005](#). Definitions for 907 KAR Chapter 015.

Office of the Secretary: Medicinal Cannabis Program

[915 KAR 001:010E](#). Initial and renewal applications for cannabis business licenses.

[915 KAR 001:020E](#). Cannabis business licenses.

The subcommittee adjourned at 2:35 p.m. The next meeting of this subcommittee was tentatively scheduled for August 13, 2024, at 1 p.m. in Room 149 of the Annex.