

STATEMENT OF EMERGENCY
921 KAR 3:026E

This emergency repealer is being promulgated to comply with Senate Bill 65 (Regular Session 2021, Acts ch. 165), which deems 921 KAR 3:025 to be null, void, and unenforceable effective June 29, 2021. This emergency repealer conforms to KRS 13A.190(1)(a)3. in that it is necessary to meet an imminent deadline established by state statute and KRS 13A.310(1) by repealing an administrative regulation that is being replaced and is no longer desired to be effective. This emergency repealer will not be replaced by an ordinary repealer as the repeal of 921 KAR 3:025 will be effective immediately upon the filing of this repealer.

ANDY BESHEAR, Governor
ERIC C. FRIEDLANDER, Secretary

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Family Support
(Emergency Repealer)

921 KAR 3:026E. Repeal of 921 KAR 3:025.

Effective: June 11, 2021

RELATES TO: KRS 13A.310, 205.2005, 7 C.F.R. Parts 271-285, 273.4, 273.5, 273.7, 273.11, 45 C.F.R. 261.2, 7 U.S.C. 2011, 2014, 2015(d), 20 U.S.C. 28 Part F, Pub. L. 116-260 Section 702(e)

STATUTORY AUTHORITY: KRS 194A.050(1), 7 C.F.R. 271.4, Part 272, Part 273

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to implement programs mandated by federal law or to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. 7 C.F.R. 271.4 requires the cabinet to administer a Supplemental Nutrition Assistance Program (SNAP) within the state. 7 C.F.R. Parts 272 and 273 establish requirements for the cabinet to participate in the SNAP. This administrative regulation repeals 921 KAR 3:025 because Senate Bill 65 (Regular Session 2021, Acts ch. 165) includes that 921 KAR 3:025 is null, void, and unenforceable effective June 29, 2021. 921 KAR 3:025 is being replaced with 921 KAR 3:027 in order to maintain federally-required SNAP eligibility provisions.

Section 1. 921 KAR 3:025, Technical requirements, is hereby repealed.

MARTA MIRANDA-STRAUB, Commissioner
ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: June 8, 2021

FIELD WITH LRC: June 11, 2021 at 2:28 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on July 26, 2021, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending

this virtual hearing shall notify this agency in writing by July 19, 2021, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until July 31, 2021. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-6746; fax 502-564-7091; email CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Laura Begin or Krista Quarles

(1) Provide a brief summary of:

(a) What this administrative regulation does: This repealer repeals 921 KAR 3:025.

(b) The necessity of this administrative regulation: This administrative regulation repeals 921 KAR 3:025 because Senate Bill 65 (Regular Session 2021, Acts ch. 165) includes that 921 KAR 3:025 is null, void, and unenforceable effective June 29, 2021. 921 KAR 3:025 is being repealed simultaneously with the filing of 921 KAR 3:027 (ordinary and emergency) so as to ensure that the transition from the old administrative regulation to the new administrative regulation containing federally-required SNAP requirements and eligibility provisions is as seamless as possible.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the authorizing statutes by implementing legislation that was passed in the 2021 Regular Session.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the administration of the statutes by repealing an administrative regulation that will be deemed null and void.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This administrative regulation is a repealer, not an amendment.

(b) The necessity of the amendment to this administrative regulation: This administrative regulation is a repealer.

(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation is a repealer.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation is a repealer.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: No individuals, businesses, or organizations will be affected by this administrative regulation. Individuals subject to the requirements of 921 KAR 3:025 will be subject to the requirements of 921 KAR 3:027.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: There is no new action required.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There are no new costs associated with this repealer.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This repealer will clarify which administrative regulation is in effect after the effective date of Senate Bill 65.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no initial cost to implement this repealer.

(b) On a continuing basis: There will be no continual cost to implement this repealer.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: There is no source of funding for this repealer.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This repealer does not require an increase in fees or funding.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This repealer does not establish any fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering is not applied as this is a repealer.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. There is no federal mandate for this repealer.

2. State compliance standards. KRS 13A.310, 194A.050(1), 205.2005

3. Minimum or uniform standards contained in the federal mandate. There is no federal mandate for this regulation.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? There is no federal mandate for this administrative regulation.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Not applicable.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Cabinet for Health and Family Services will be impacted by this repealer as contents are moved to a new administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 13A.310, 194A.050(1), 205.2005

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This repealer will not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate revenue.

(c) How much will it cost to administer this program for the first year? There will be no cost to administer this repealer for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no cost to administer this repealer for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: