SECRETARY OF STATE
(New Administrative Regulation)

30 KAR 10:100. Attaining age of majority.

RELATES TO: Ky Acts ch. 172
STATUTORY AUTHORITY: Ky Acts ch. 172
NECESSITY, FUNCTION, AND CONFORMITY: Ky Acts ch. 172 authorizes the Secretary of State to promulgate administrative regulations implementing Ky Acts ch. 172. This administrative regulation implements Ky Acts ch. 172.

Section 1. When the Secretary of State becomes aware that a minor child participant has reached the age of eighteen (18), the Secretary of State will inform the minor child participant of options related to continued participation in the Safe at Home Program. These options include leaving the program and reapplying on their own behalf.

(1) In anticipation of the minor child participant's 18^{th} birthday, the Secretary of State will send an application packet via first class mail to the participant's address. The packet will include instructions on actions to be taken by age eighteen (18). The packet will include notice that if the participant does not respond within thirty (30) days they will be removed from the program, and mail forwarding will stop. If thirty (30) days pass without contact from the participant, the Secretary of State will mail a final notice that the participant's certification will be canceled if the participant fails to submit the Application for Certification within ten (10) days.
(2) The packet will include the application form.
(3) The Secretary of State shall renew the certification of a participant upon receipt of a properly completed application form.
(4) A participant who reaches age eighteen (18) and changes residence may reapply or withdraw.
(5) Program participants that have reached age eighteen (18) who have withdrawn or allowed certification to expire, may reapply on their own behalf.

MICHAEL G. ADAMS, Secretary of State

APPROVED BY AGENCY: June 27, 2023
FILED WITH LRC: June 29, 2023 at 3 p.m.
PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 26, 2023, at 10:00 a.m. EST, at Office of the Secretary of State. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. This 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 the proposed administrative regulation. Written comments shall be accepted until September 30, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.
CONTACT PERSON: Jennifer Scutchfield, Assistant Secre-tary of State, 700 Capital Avenue, State Capitol, Suite 152, Frankfort, Kentucky 40601, phone (502) 782-7417, fax (502) 564-5687, email jscutchfield@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Jennifer Scutchfield

(1) Provide a brief summary of:

(a) What this administrative regulation does:
This administrative regulation establishes the procedures for the Safe at Home Program, previously known as the Address Confidentiality Program.

(b) The necessity of this administrative regulation:
Safe at Home Program, previously known as the Address Confidentiality Program.

(c) How this administrative regulation conforms to the content of the authorizing statutes:
In order for the Secretary of State to fulfill its duties under KRS 14.300, 14.302, 14.304, 14.306 and 14.310, this administrative regulation is necessary to establish the procedures for the Safe at Home Program, previously known as the Address Confidentiality Program.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:
This administrative regulation is necessary to establish procedures for the Safe at Home Program, previously known as the Address Confidentiality Program.

(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:
N/A

(b) The necessity of the amendment to this administrative regulation:
N/A

(c) How the amendment conforms to the content of the authorizing statutes:
N/A

(d) How the amendment will assist in the effective administration of the statutes:
N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:
This regulation affects citizens of the Commonwealth that are impacted by domestic violence or others facing physical or mental abuse if their address were public record. It also affects state and local agencies who have the victims address in their database or records.

(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:
Individuals identified in question (3) will have to familiarize themselves with this regulation and contact our office with questions. Our Office will also conduct outreach to increase knowledge amongst public entities.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There should be no cost to the public agencies. The Secretary of State will incur costs with the administration of this program but have funding, at least in this budget year to cover the program.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

The victims of domestic violence will be protected from persons who pose them danger by not allowing those people to access their location.

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

(a) Initially:

The cost is minimal, but will include purchase of a device to make identification cards, forwarding postal mail, training of assistance officers and contacting other agencies.

(b) On a continuing basis:

As the program grows, the cost of the program will increase, especially for mailing costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

The legislature provided funding for the Safe at Home Program.

(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:

An increase in fees or funding will not be necessary, at least initially.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This administrative regulation neither establishes nor increases any fees.

(9) TIERING: Is tiering applied?

Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL NOTE

(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?

This regulation will impact local and state agencies who hold addresses for victims of domestic violence.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

This regulation is necessary because of 2023 RS SB 79 (2023 Regular Session Senate Bill 79) which creates the Safe at Home Program.

(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.

There will be minimal costs to state and local government agencies for the first full year the regulation would be in effect. The Office of the Secretary of State will have expenditures for mailing costs, card maker and creation of the Program.

(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?

None

(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?

None

(c) How much will it cost to administer this program for the first year?

The actual cost is unknown, but after reviewing other programs around the country, the funds that are set aside for the Program by the legislature should cover the initial implementation of the Program. An estimate of first year costs are $15,000.00.

(d) How much will it cost to administer this program for subsequent years?

The cost to administer the Program will depend on how many participants. An estimate of subsequent year costs are $10,000.00 a year.

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

Revenues (+/-):None

Expenditures (+/-):estimate $15,000.00

Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

The regulation will increase the expenditures of the Secretary of State but it is anticipated the fund created by the legislature will accommodate the costs.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

None

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?
None

(c) How much will it cost the regulated entities for the first year?
Approximately $15,000.00

(d) How much will it cost the regulated entities for subsequent years?
Approximately $15,000.00

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

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.
"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars ($500,000) or more on state or local government or regulated entities, in aggregate as determined by the promulgating administrative bodies [KRS 13A.010(13)]. This administrative regulation will not have a major economic impact.