

## CHAPTER 192

( HB 4 )

AN ACT relating to administrative regulations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 13A IS CREATED TO BE NUMBERED AS KRS 13A.336 AND TO READ AS FOLLOWS:

- (1) (a) *After the last regularly scheduled meeting of the Administrative Regulation Review Subcommittee in a calendar year, but by the thirty-first day of December of that calendar year, the staff of the Administrative Regulation Review Subcommittee shall submit a report to the co-chairs of that subcommittee regarding administrative regulations that were found deficient by any subcommittee of the Commission during that calendar year.*
- (b) *The report in paragraph (a) of this subsection shall contain:*
  1. *Effective administrative regulations that were found deficient; and*
  2. *Administrative regulations filed with the Commission that were found deficient.*
- (2) *The report shall not contain any administrative regulation that was found deficient and:*
  - (a) *Has been withdrawn; or*
  - (b) *Is no longer considered deficient under Section 15 of this Act.*
- (3) *The report shall contain at least the following information for each administrative regulation in the report:*
  - (a) *Administrative regulation number and title;*
  - (b) *Name of the promulgating agency;*
  - (c) *Date of deficiency determination;*
  - (d) *Name of the subcommittee that made the deficiency determination;*
  - (e) *Effective date, if it is in effect;*
  - (f) *The finding of deficiency and any other findings, recommendations, or comments sent to the Governor; and*
  - (g) *If applicable under Section 13 of this Act, the Governor's determination regarding the deficiency, if received by the Commission.*
- (4) *The first page of the report required by subsection (1) of this section shall contain the following text, in fourteen (14) point font or larger:*

*"To ratify the deficiency findings listed in this report, a co-chair or other legislator may request that Legislative Research Commission staff prepare a bill:*

  - (a) *Declaring that one (1) or more administrative regulations listed in the report shall be void; or*
  - (b) *Amending the relevant subject matter statutes in conformity with the findings of deficiency."*

➔Section 2. KRS 13A.030 is amended to read as follows:

- (1) The Administrative Regulation Review Subcommittee shall:
  - (a) Conduct a continuous study as to whether additional legislation or changes in legislation are needed based on various factors, including, but not limited to, review of new, emergency, and existing administrative regulations, the lack of administrative regulations, and the needs of administrative bodies;
  - (b) Except as provided by KRS 158.6471 and 158.6472, review and comment upon *effective* administrative regulations *pursuant to subsections (2), (3), and (4) of this section or administrative regulations filed with* ~~submitted to it by~~ the Commission;

- (c) Make recommendations for changes in statutes, new statutes, repeal of statutes affecting administrative regulations or the ability of administrative bodies to promulgate them; and
  - (d) Conduct such other studies relating to administrative regulations as may be assigned by the Commission.
- (2) The subcommittee may make a nonbinding determination:
- (a) That an *effective* administrative regulation *or an administrative regulation filed with the Commission* is deficient because it:
    - 1. Is wrongfully promulgated;
    - 2. Appears to be in conflict with an existing statute;
    - 3. Appears to have no statutory authority for its promulgation;
    - 4. Appears to impose stricter or more burdensome state requirements than required by the federal mandate, without reasonable justification;
    - 5. Fails to use tiering when tiering is applicable;
    - 6. Is in excess of the administrative body's authority;
    - 7. Appears to impose an unreasonable burden on government or small business, or both; or
    - 8. Appears to be deficient in any other manner;
  - (b) That an administrative regulation is needed to implement an existing statute; or
  - (c) That an administrative regulation should be amended or repealed.
- (3) *The subcommittee may review an effective administrative regulation if requested by a member of the subcommittee.*
- (4) The subcommittee may require any administrative body to submit data and information as required by the subcommittee in the performance of its duties under this chapter, and no administrative body shall fail to provide the information or data required.

➔Section 3. KRS 13A.040 is amended to read as follows:

The director of the Legislative Research Commission shall appoint an administrative regulations compiler who shall:

- (1) Receive administrative regulations, and other documents required to be filed by the provisions of this chapter, tendered for filing;
- (2) Stamp administrative regulations tendered for filing with the time and date of receipt;
- (3) Provide administrative and support services to the subcommittee;
- (4) Maintain a file of administrative regulations and other documents required to be filed by this chapter, for public inspection, with suitable indexes;
- (5) Maintain a file of ineffective administrative regulations;
- (6) Maintain a file of material incorporated by reference, including superseded or ineffective material incorporated by reference;
- (7) Prepare the Kentucky Administrative Regulations Service;
- (8) Upon request, certify copies of administrative regulations and other documents that have been filed with the regulations compiler;
- (9) Correct errors that do not change the substance of an administrative regulation, including, but not limited to, typographical errors, errors in format, and grammatical errors;
- (10) (a) Change items in an administrative regulation in response to a specific written request for a technical amendment submitted by the administrative body if the regulations compiler determines that the requested changes do not affect the substance of the administrative regulation. Examples of technical amendments include the address of the administrative body, citations to statutes or other administrative regulations if a format change within that statute or administrative regulation has changed the numbering or lettering of parts, or other changes in accordance with KRS 13A.312; *and*

(b) **Notify the administrative body within thirty (30) business days of receipt of a technical amendment letter the status of the request including:**

1. **Any requested changes that are accepted as technical amendments; and**
2. **Any requested changes that are not accepted as technical amendments;**

- (11) Refuse to accept for filing administrative regulations, and other documents required to be filed by this chapter, that do not conform to the drafting, formatting, or filing requirements established by the provisions of KRS 13A.190(4) to (10), 13A.220, 13A.222(1), (2), and (3), 13A.230, and 13A.280, and notify the administrative body in writing of the reasons for refusing to accept an administrative regulation for filing;
- (12) Maintain a list of all administrative regulation numbers and the corresponding last effective date, based on the information included in the history line of each administrative regulation; and
- (13) Perform other duties required by the Commission or by a subcommittee.

➔Section 4. KRS 13A.190 is amended to read as follows:

- (1) An emergency administrative regulation is one that:
  - (a) Must be placed into effect immediately in order to:
    1. Meet an imminent threat to public health, safety, or welfare;
    2. Prevent a loss of federal or state funds;
    3. Meet a deadline for the promulgation of an administrative regulation that is established by state statute or federal law; or
    4. Protect human health and the environment; and
  - (b)
    1. Is temporary in nature and will expire as provided in this section; or
    2. Is temporary in nature and will be replaced by an ordinary administrative regulation as provided in this section.
- (2) Emergency administrative regulations shall become effective and shall be considered as adopted upon filing. Emergency administrative regulations shall be published in the Administrative Register in accordance with the publication deadline established in KRS 13A.050(3).
- (3)
  - (a) Except as provided by paragraph (b) of this subsection, emergency administrative regulations shall expire **two hundred seventy (270)**~~one hundred eighty (180)~~ days after the date of filing or when the same matter filed as an ordinary administrative regulation filed for review is adopted, whichever occurs first.
  - (b) If an administrative body extends the time for filing a statement of consideration as provided by KRS 13A.280(2)(b), an emergency administrative regulation shall remain in effect for **two hundred seventy (270)**~~one hundred eighty (180)~~ days after the date of filing plus the number of days extended under the provisions of KRS 13A.280(2)(b) or when the same matter filed as an ordinary administrative regulation filed for review is adopted, whichever occurs first.
- (4) Except as established in subsection (5) of this section, an emergency administrative regulation with the same number or title or governing the same subject matter shall not be filed for a period of nine (9) months after it has been initially filed. No other emergency administrative regulation that is identical to the previously filed emergency administrative regulation shall be promulgated.
- (5) If an emergency administrative regulation with the same number or title or governing the same subject matter as an emergency administrative regulation filed within the previous nine (9) months is filed, it shall contain a detailed explanation of the manner in which it differs from the previously filed emergency administrative regulation. The detailed explanation shall be included in the statement of emergency required by subsection (6) of this section.
- (6) Each emergency administrative regulation shall contain a statement of:
  - (a) The nature of the emergency;
  - (b) The reasons why an ordinary administrative regulation is not sufficient;

- (c) Whether or not the emergency administrative regulation will be replaced by an ordinary administrative regulation;
  - (d) If the emergency administrative regulation will be replaced by an ordinary administrative regulation, the following statement: "The ordinary administrative regulation (is or is not) identical to this emergency administrative regulation.";
  - (e) If the emergency administrative regulation will not be replaced by an ordinary administrative regulation, the reasons therefor; and
  - (f) If applicable, the explanation required by subsection (5) of this section.
- (7) (a) An administrative body shall attach the:
- 1. Statement of emergency required by subsection (6) of this section to the front of the original and each copy of a proposed emergency administrative regulation; and
  - 2. Regulatory impact analysis, tiering statement, federal mandate comparison, fiscal note, summary of material incorporated by reference if applicable, and other forms or documents required by the provisions of this chapter to the back of the emergency administrative regulation.
- (b) An administrative body shall file with the regulations compiler:
- 1. The original and five (5) copies of the emergency administrative regulation; and
  - 2. At the same time as, or prior to, filing the paper version, an electronic version of the emergency administrative regulation and the attachments required by paragraph (a) of this subsection saved as a single document for each emergency administrative regulation in an electronic format approved by the regulations compiler.
- (c) The original and four (4) copies of each emergency administrative regulation shall be stapled in the top left corner. The fifth copy of each emergency administrative regulation shall not be stapled. The original and the five (5) copies of each emergency administrative regulation shall be grouped together.
- (8) (a) If an emergency administrative regulation will not be replaced by an ordinary administrative regulation, the administrative body shall schedule a public hearing and public comment period pursuant to KRS 13A.270(1). The public hearing and public comment period information required by KRS 13A.270(2) shall be attached to the back of the emergency administrative regulation.
- (b) If an emergency administrative regulation will be replaced by an ordinary administrative regulation:
- 1. The ordinary administrative regulation shall be filed at the same time as the emergency administrative regulation that will be replaced; and
  - 2. A public hearing and public comment period shall not be required for the emergency administrative regulation.
- (9) The statement of emergency shall have a two (2) inch top margin. The number of the emergency administrative regulation shall be typed directly below the heading "Statement of Emergency." The number of the emergency administrative regulation shall be the same number as the ordinary administrative regulation followed by an "E."
- (10) Each executive department emergency administrative regulation shall be signed by the head of the administrative body and countersigned by the Governor prior to filing with the Commission. These signatures shall be on the statement of emergency attached to the front of the emergency administrative regulation.
- (11) (a) If an ordinary administrative regulation that was filed to replace an emergency administrative regulation is withdrawn, the emergency administrative regulation shall expire on the date the ordinary administrative regulation is withdrawn.
- (b) If an ordinary administrative regulation that was filed to replace an emergency administrative regulation is withdrawn, the administrative body shall inform the regulations compiler of the reasons for withdrawal in writing.
- (12) (a) If an emergency administrative regulation that was intended to be replaced by an ordinary administrative regulation is withdrawn, the emergency administrative regulation shall expire on the date it is withdrawn.

- (b) If an emergency administrative regulation has been withdrawn, the ordinary administrative regulation that was filed with it shall not expire unless the administrative body informs the regulations compiler that the ordinary administrative regulation is also withdrawn.
  - (c) If an emergency administrative regulation is withdrawn, the administrative body shall inform the regulations compiler of the reasons for withdrawal in writing.
- (13) A subcommittee may review an emergency administrative regulation and may recommend to the Governor that the administrative regulation be withdrawn.

➔Section 5. KRS 13A.270 is amended to read as follows:

- (1)
  - (a) In addition to the public comment period required by paragraph (c) of this subsection, following publication in the Administrative Register of the text of an administrative regulation, the administrative body shall, unless authorized to cancel the hearing pursuant to subsection (7) of this section, hold a hearing, open to the public, on the administrative regulation.
  - (b) The public hearing shall not be held before the twenty-first day or later than the last workday of the month *following the month* in which the administrative regulation is published in the Administrative Register.
  - (c) The administrative body shall accept written comments regarding the administrative regulation during the comment period. The comment period shall begin on the date the administrative regulation is filed with the regulations compiler and shall run until 11:59 p.m. on the last day of the calendar month *following the month* in which the administrative regulation was published in the Administrative Register.
- (2) Each administrative regulation shall state:
  - (a) The place, time, and date of the scheduled public hearing;
  - (b) The manner in which interested persons shall submit their:
    - 1. Notification of attending the public hearing; and
    - 2. Written comments;
  - (c) That notification of attending the public hearing shall be transmitted to the administrative body no later than five (5) workdays prior to the date of the scheduled public hearing;
  - (d) The deadline for submitting written comments regarding the administrative regulation in accordance with subsection (1)(c) of this section; and
  - (e) The name, position, mailing address, e-mail address, and telephone and facsimile numbers of the person to whom a notification and written comments shall be transmitted.
- (3)
  - (a) A person who wishes to be notified that an administrative body has filed an administrative regulation shall:
    - 1. Contact the administrative body by telephone or written letter to request that the administrative body send the information required by paragraph (c) or (d) of this subsection to the person; or
    - 2. Complete an electronic registration form located on a centralized state government Web site developed and maintained by the Commonwealth Office of Technology.
  - (b) A registration submitted pursuant to paragraph (a) of this subsection shall:
    - 1. Indicate whether the person wishes to receive notification regarding:
      - a. All administrative regulations promulgated by an administrative body; or
      - b. Each administrative regulation that relates to a specified subject area. The subject areas shall be provided by the administrative bodies and shall be listed on the centralized state government Web site in alphabetical order;
    - 2. Include a request for the person to provide an e-mail address in order to receive regulatory information electronically;

3. Be valid for a period of four (4) years from the date the registration is submitted, or until the person submits a written request to be removed from the notification list, whichever occurs first; and
  4. Be transmitted to the promulgating administrative body, if the registration was made through the centralized state government Web site. The collected e-mail addresses shall be used solely for the purposes of this subsection and shall not be sold, transferred, or otherwise made available to third parties, other than the promulgating administrative body.
- (c) A copy of the administrative regulation as filed, and all attachments required by KRS 13A.230(1), shall be e-mailed:
1. To every person who has:
    - a. Registered pursuant to paragraph (a) of this subsection; and
    - b. Provided an e-mail address as part of the registration request;
  2. Within five (5) working days after the date the administrative regulation is filed with the Commission; and
  3. With a request from the administrative body that affected individuals, businesses, or other entities submit written comments that identify the anticipated effects of the proposed administrative regulation.
- (d) Within five (5) working days after the date the administrative regulation is filed with the Commission, the administrative body shall mail the following information to every person who has registered pursuant to paragraph (a) of this subsection but did not provide an e-mail address:
1. A cover letter from the administrative body requesting that affected individuals, businesses, or other entities submit written comments that identify the anticipated effects of the proposed administrative regulation;
  2. A copy of the regulatory impact analysis required by KRS 13A.240 completed in detail sufficient to put the individual on notice as to the specific contents of the administrative regulation, including all proposed amendments to the administrative regulation; and
  3. A statement that a copy of the administrative regulation may be obtained from the Commission's Web site, which can be accessed on-line through public libraries or any computer with Internet access. The Commission's Web site address shall be included in the statement.
- (e) An administrative body shall not be required to send a copy of an administrative regulation that was amended after comments in accordance with KRS 13A.280 to persons who have registered pursuant to paragraph (a) of this subsection, unless the person requested a copy pursuant to KRS 13A.280(8).
- (4) (a) If small business may be impacted by an administrative regulation, the administrative body shall e-mail a copy of the administrative regulation as filed, and all attachments required by KRS 13A.230(1), to the chief executive officer of the Commission on Small Business Advocacy within one (1) working day after the date the administrative regulation is filed with the Commission.
- (b) The e-mail shall include a request from the administrative body that the Commission on Small Business Advocacy review the administrative regulation in accordance with KRS 11.202(1)(e) and submit its report or comments in accordance with the deadline established in subsection (1)(c) of this section. A copy of the report shall be filed with the regulations compiler.
- (c) An administrative body shall not be required to send a copy of an administrative regulation that was amended after comments in accordance with KRS 13A.280 to the Commission on Small Business Advocacy, unless its chief executive officer requested a copy pursuant to KRS 13A.280(8).
- (5) (a) If a local government may be impacted by an administrative regulation, the administrative body shall send, by e-mail if the local government has an e-mail address, a copy of the administrative regulation as filed and all attachments required by KRS 13A.230(1) to each local government in the state within one (1) working day after the date the administrative regulation is filed with the Commission. If the local government does not have an e-mail address, the material shall not be sent.
- (b) The e-mail shall include a request from the administrative body that the local government review the administrative regulation in the same manner as would the Commission on Small Business Advocacy

under KRS 11.202(1)(e), and submit its report or comments in accordance with the deadline established in subsection (1)(c) of this section. A copy of the report or comments shall be filed with the regulations compiler.

- (c) An administrative body shall not be required to send a copy of an administrative regulation that was amended after comments in accordance with KRS 13A.280 to a local government, unless its contact person requested a copy pursuant to KRS 13A.280(8).
- (6) Persons desiring to be heard at the hearing shall notify the administrative body in writing as to their desire to appear and testify at the hearing not less than five (5) workdays before the scheduled date of the hearing.
- (7) The administrative body shall immediately notify the regulations compiler by letter if:
  - (a) No written notice of intent to attend the public hearing is received by the administrative body at least five (5) workdays before the scheduled hearing, and it chooses to cancel the public hearing; and
  - (b) No written comments have been received by the close of the last day of the public comment period.
- (8) (a) 1. Upon receipt from interested persons of their intent to attend a public hearing, the administrative body shall notify the regulations compiler by letter that the public hearing shall be held.
  - 2. If the public hearing is held but no comments are received during the hearing, the administrative body shall notify the regulations compiler by letter that the public hearing was held and that no comments were received.
- (b) Upon receipt of written comments, the administrative body shall notify the regulations compiler by letter that written comments have been received.
- (9) If the notifications required by subsections (7) and (8) of this section are not received by the regulations compiler by close of business on the second workday of the calendar month ***following the end of the public comment period***, the administrative regulation shall be deferred to the next regularly scheduled meeting of the subcommittee.
- (10) The notifications required by subsections (7) and (8) of this section shall be made by letter. The letter may be sent by e-mail if the administrative body uses an electronic signature and letterhead for the e-mailed document.
- (11) Every hearing shall be conducted in such a manner as to guarantee each person who wishes to offer comment a fair and reasonable opportunity to do so, whether or not such person has given the notice contemplated by subsection (6) of this section. No transcript need be taken of the hearing, unless a written request for a transcript is made, in which case the person requesting the transcript shall have the responsibility of paying for same. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This section shall not preclude an administrative body from making a transcript or making a recording if it so desires.
- (12) Nothing in this section shall be construed as requiring a separate hearing on each administrative regulation. Administrative regulations may be grouped at the convenience of the administrative body for purposes of hearings required by this section.

➔Section 6. KRS 13A.280 is amended to read as follows:

- (1) Following the last day of the comment period, the administrative body shall give consideration to all comments received at the public hearing and all written comments received during the comment period, including any report filed by the Commission on Small Business Advocacy in accordance with KRS 11.202(1)(e) and 13A.270(4), or by a local government in accordance with KRS 11.202(1)(e) and 13A.270(5).
- (2) (a) Except as provided in paragraph (b) of this subsection, the administrative body shall file with the commission on or before 12 noon, eastern time, on the fifteenth day of the calendar month following the ***end of the public comment period***~~[month of publication]~~ the statement of consideration relating to the administrative regulation and, if applicable, the amended after comments version.
- (b) If the administrative body has received a significant number of public comments, it may extend the time for filing the statement of consideration and, if applicable, the amended after comments version by notifying the regulations compiler in writing on or before 12 noon, eastern time, on the fifteenth day of the calendar month following the ***end of the public comment period***~~[month of publication]~~. The administrative body shall file the statement of consideration and, if applicable, the amended after comments version, with the Commission on or before 12 noon, eastern time, no later than the fifteenth

day of the second calendar month following the *end of the public comment period*~~[month of publication]~~.

- (3) (a) If the administrative regulation is amended as a result of the hearing or written comments received, the administrative body shall forward the items specified in this paragraph to the regulations compiler by 12 noon, eastern time, on the applicable deadline specified in subsection (2) of this section:
1. The original and five (5) copies of the administrative regulation indicating any amendments in the original wording resulting from comments received at the public hearing and during the comment period;
  2. The original and five (5) copies of the statement of consideration as required by subsection (2) of this section, attached to the back of the original and each copy of the administrative regulation; and
  3. The regulatory impact analysis, tiering statement, federal mandate comparison, or fiscal note on local government. These documents shall reflect changes resulting from amendments made after the public hearing.
- (b) The original and four (4) copies of the amended after comments version, the statement of consideration, and the attachments required by paragraph (a)3. of this subsection shall be stapled in the top left corner. The fifth copy shall not be stapled.
- (c) At the same time as, or prior to, filing the paper version, the administrative body shall file an electronic version of the amended after comments version, the statement of consideration, and the required attachments saved as a single document for each amended after comments administrative regulation in an electronic format approved by the regulations compiler.
- (4) (a) If the administrative regulation is not amended as a result of the public hearing, or written comments received, the administrative body shall file the original and five (5) copies of the statement of consideration with the regulations compiler by 12 noon, eastern time, on the deadline established in subsection (2) of this section. The original and four (4) copies of the statement of consideration shall be stapled in the top left corner. The fifth copy of each statement of consideration shall not be stapled.
- (b) If the statement of consideration covers multiple administrative regulations, as authorized by subsection (6)(g) of this section, the administrative body shall file with the regulations compiler:
1. The original and five (5) copies of the statement of consideration as required by paragraph (a) of this subsection; and
  2. Two (2) additional unstapled copies of the statement of consideration for each additional administrative regulation included in the group of administrative regulations.
- (c) At the same time as, or prior to, filing the paper version, the administrative body shall file an electronic version of the statement of consideration saved as a single document for each statement of consideration in an electronic format approved by the regulations compiler.
- (5) If comments are received either at the public hearing or during the public comment period, the administrative regulation shall be deferred to the next regularly scheduled meeting of the subcommittee following the month in which the statement of consideration is due.
- (6) The format for the statement of consideration shall be as follows:
- (a) The statement shall be typewritten on white paper, size eight and one-half (8-1/2) by eleven (11) inches. Copies of the statement may be mechanically reproduced;
  - (b) The first page of the statement of consideration shall have a two (2) inch top margin;
  - (c) The heading of the statement shall consist of the words "STATEMENT OF CONSIDERATION RELATING TO" followed by the number of the administrative regulation that was the subject of the public hearing and comment period and the name of the promulgating administrative body. The heading shall be centered. This shall be followed by the words "Not Amended After Comments" or "Amended After Comments," whichever is applicable;
  - (d) If a hearing has been held or written comments received, the heading is to be followed by:
    1. A statement setting out the date, time and place of the hearing, if the hearing was held;



2. A list of those persons who attended the hearing or who submitted comments and the organization, agency, or other entity represented, if applicable; and
  3. The name and title of the representative of the promulgating administrative body;
- (e) Following the general information, the promulgating administrative body shall summarize the comments received at the public hearing and during the comment period and the response of the promulgating administrative body. Each subject commented upon shall be summarized in a separate numbered paragraph. Each numbered paragraph shall contain two (2) subsections:
1. Subsection (a) shall be labeled "Comment," shall identify the name of the person, and the organization represented if applicable, who made the comment, and shall contain a summary of the comment; and
  2. Subsection (b) shall be labeled "Response" and shall contain the response to the comment by the promulgating administrative body;
- (f) Following the summary and comments, the promulgating administrative body shall:
1. Summarize the statement and the action taken by the administrative body as a result of comments received at the public hearing and during the comment period; and
  2. If amended after the comment period, list the changes made to the administrative regulation in the format prescribed by KRS 13A.320(2)(c) and (d); and
- (g) If administrative regulations were considered as a group at a public hearing, one (1) statement of consideration may include the group of administrative regulations. If a comment relates to one (1) or more of the administrative regulations in the group, the summary of the comment and response shall specify each administrative regulation to which it applies.
- (7) If the administrative regulation is amended pursuant to subsection (3) of this section, the full text of the administrative regulation shall be published in the Administrative Register. The changes made to the administrative regulation shall be typed in bold and made in the format prescribed by KRS 13A.222(2). The administrative regulation shall be reviewed by the Administrative Regulation Review Subcommittee after such publication.
- (8) If requested, copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available by the promulgating administrative body to persons attending the hearing or submitting comments or who specifically request a copy from the administrative body.
- ➔Section 7. KRS 13A.290 is amended to read as follows:
- (1) (a) Except as provided by KRS 158.6471 and 158.6472, the Administrative Regulation Review Subcommittee shall meet monthly to review administrative regulations prior to close of business on the fifteenth day of the calendar month.
- (b) The agenda shall:
1. Include each administrative regulation that ***completed the public comment process***~~[was published in the prior month's Administrative Register not including the administrative regulations published in the "As Amended" section];~~
  2. Include each administrative regulation for which a statement of consideration was received on or before 12 noon, eastern time, on the fifteenth day of the prior calendar month;
  3. ***Include each effective administrative regulation that the subcommittee has decided to review;***
  4. Include each administrative regulation that was deferred from the prior month's meeting of the subcommittee; and
  - 5.~~[4.]~~ Not include an administrative regulation that is deferred, withdrawn, expired, or automatically taken off the agenda under the provisions of this chapter.
- (c) Review of an administrative regulation shall include the entire administrative regulation and all attachments filed with the administrative regulation. The review of amendments to existing administrative regulations shall not be limited to only the changes proposed by the promulgating administrative body.

- (2) The meetings shall be open to the public.
- (3) Public notice of the time, date, and place of the Administrative Regulation Review Subcommittee meeting shall be given in the Administrative Register.
- (4) (a) A representative of the administrative body ~~for an promulgating the~~ administrative regulation under consideration shall be present to explain the administrative regulation and to answer questions thereon.
- (b) If a representative of the administrative body with authority to amend ~~a filed the~~ administrative regulation is not present at the subcommittee meeting, the administrative regulation shall be deferred to the next regularly scheduled meeting of the subcommittee.
- (c) *If a representative of an administrative body for an effective administrative regulation fails to appear before the subcommittee, the subcommittee may:*
1. *Defer the administrative regulation to the next regularly scheduled meeting of the subcommittee; or*
  2. *Make a nonbinding determination pursuant to subsections (2), (3), and (4) of Section 2 of this Act.*
- (5) Following the meeting and before the next regularly scheduled meeting of the Commission, the Administrative Regulation Review Subcommittee shall forward to the Commission its findings, recommendations, or other comments it deems appropriate in writing. The Administrative Regulation Review Subcommittee shall also forward to the Commission its findings, recommendations, or other comments it deems appropriate on an ~~effective existing~~ administrative regulation it has reviewed. The Administrative Regulation Review Subcommittee's findings shall be published in the Administrative Register.
- (6) (a) After review by the Administrative Regulation Review Subcommittee, the Commission shall, on the first Wednesday of the following month, or if the first Wednesday is a legal holiday, the next workday of the month, assign ~~a filed the~~ administrative regulation to:
1. An interim joint committee ~~with subject matter of appropriate jurisdiction over the subject matter of the administrative regulation~~; or
  2. ~~The During a session of the General Assembly, the House of Representatives and~~ Senate *and House* standing committees ~~with subject matter of appropriate jurisdiction over the subject matter of the administrative regulation~~.
- (b) Upon notification of the assignment by the Commission, the legislative subcommittee to which the administrative regulation is assigned shall notify the regulations compiler:
1. Of the date, time, and place of the meeting at which it will consider the administrative regulation; or
  2. That it will not meet to consider the administrative regulation.
- (7) (a) Within ~~ninety (90) thirty (30)~~ days of the assignment, the subcommittee may hold a public meeting during which the administrative regulation shall be reviewed.
- (b) If the ~~ninetieth thirtieth~~ day of the assignment falls on a Saturday, Sunday, or holiday, the deadline for review shall be the workday following the Saturday, Sunday, or holiday.
- (c) 1. *If the administrative regulation is assigned to an interim joint committee and a session of the General Assembly begins during the review period, the assignment shall transfer to the Senate and House standing committees with subject matter jurisdiction.*
2. *If the administrative regulation is assigned to Senate and House standing committees and a session of the General Assembly adjourns sine die during the review period, the assignment shall transfer to the interim joint committee with subject matter jurisdiction.*
3. *An administrative regulation may be transferred more than one (1) time under this paragraph. A transfer shall not extend the review period established by this subsection.*
- (d) ~~{The subcommittee may also review an existing administrative regulation and make a determination as provided by KRS 13A.030(2) and (3).}~~ Notice of the time, date, and place of the meeting shall be placed in the legislative calendar.

- (8) Except as provided in subsection (9) of this section, a subcommittee shall be empowered to make the same nonbinding determinations and to exercise the same authority as the Administrative Regulation Review Subcommittee.
- (9) (a) ***This subsection shall apply to administrative regulations filed with the Commission.***
- (b) A majority of the entire membership of the subcommittee to which an administrative regulation is referred pursuant to subsection (6)(a) of this section shall constitute a quorum for purposes of reviewing administrative regulations.
- (c) ~~(b)~~ In order to amend an administrative regulation pursuant to KRS 13A.320, ***defer an administrative regulation pursuant to Section 8 of this Act***, or ~~to~~ find an administrative regulation deficient pursuant to KRS 13A.030(2), ~~and~~ (3), ***and (4)***, the motion to amend, ***defer***, or find deficient shall be approved by a majority of the entire membership of the subcommittee. Additionally, during a session of the General Assembly, standing committees of the Senate and House of Representatives shall agree in order to amend an administrative regulation, ***defer an administrative regulation***, or ~~to~~ find an administrative regulation deficient ~~pursuant to KRS 13A.030(2) and (3)~~ by:
1. Meeting separately; or
  2. Meeting jointly. If the standing committees meet jointly, it shall require a majority vote of Senate members voting and a majority of House members voting, as well as the majority vote of the entire membership of the standing committees meeting jointly, in order to take action on the administrative regulation.
- (10) (a) ***The quorum requirements of subsection (9)(b) of this section shall apply to an effective administrative regulation under review by a subcommittee.***
- (b) ***A motion to find an effective administrative regulation deficient shall be approved by:***
1. ***A majority of the entire membership of the Administrative Regulation Review Subcommittee;***
  2. ***A majority of a House or Senate standing committee; or***
  3. ***A joint standing committee in accordance with subsection (9)(c)2. of this section.***
- (11) (a) Upon adjournment of the meeting at which a legislative subcommittee has considered an administrative regulation pursuant to subsection (7) ***or (10)*** of this section, the subcommittee shall inform the regulations compiler of its findings, recommendations, or other action taken on the administrative regulation.
- (b) Following the meeting and before the next regularly scheduled meeting of the Commission, the subcommittee shall forward to the Commission its findings, recommendations, or other comments it deems appropriate in writing. The subcommittee's findings shall be published in the Administrative Register.
- ➔Section 8. KRS 13A.300 is amended to read as follows:
- (1) The administrative body that promulgated an administrative regulation may request that consideration of the administrative regulation be deferred by the subcommittee.
- (2) The deferral of an administrative regulation scheduled for review by the Administrative Regulation Review Subcommittee shall be governed by the following:
- (a) A request for deferral ***of an administrative regulation filed with the Commission*** shall be automatically granted if:
1. The administrative body submits a written letter to the regulations compiler; and
  2. The letter is received prior to the subcommittee meeting;
- (b) ***A request for deferral of an effective administrative regulation may be granted if:***
1. ***The administrative body submits a written letter to the regulations compiler;***
  2. ***The letter is received prior to the subcommittee meeting; and***
  3. ***Approved by the co-chairs of the Administrative Regulation Review Subcommittee;***

- (c) A request for deferral may be granted at the discretion of the subcommittee if the request is made by the administrative body orally at a meeting of the subcommittee;
- ~~(d)(e)~~ The subcommittee may request that consideration of an administrative regulation be deferred by the promulgating administrative body. Upon receipt of the request, the promulgating administrative body may agree to defer consideration of the administrative regulation;
- ~~(e)(d)~~ Except as provided in paragraph ~~(f)(e)~~ of this subsection, an administrative regulation that has been deferred shall be placed on the agenda of the next scheduled meeting of the subcommittee. ***If it is an administrative regulation filed with the Commission***, the subcommittee shall consider the administrative regulation as if it had met all other requirements of filing. Repromulgation shall not be required in those cases; and
- ~~(f)(e)~~ An administrative regulation shall not be deferred under this subsection more than twelve (12) times.
- (3) (a) The deferral of ***a filed*** administrative regulation referred to a second committee ***or committees*** pursuant to ***subsections (6) and (7) of Section 7 of this Act*** ~~subsection KRS 13A.290(6)(a)~~ shall be governed by ***this subsection***. ~~the following:~~
- ~~(b)(a)~~ ~~Except as provided in paragraphs (c), (d), and (e) of this subsection:~~
1. A request for deferral shall be automatically granted if:
    - a. The administrative body submits a written letter to the regulations compiler; and
    - b. The letter is received prior to the committee meeting;
  2. A request for deferral may be granted at the discretion of the second committee if the request is made by the administrative body orally at a meeting of the committee; and
  3. The committee may request that consideration of an administrative regulation be deferred by the promulgating administrative body. Upon receipt of the request, the promulgating administrative body may agree to defer consideration of the administrative regulation. ~~;~~
- ~~(c)(b)~~ ***1.*** An administrative regulation that is deferred ~~may~~ ***shall*** be placed on ***a subsequent*** ~~the~~ agenda of the ***committee or committees within the review period***.
- 2.*** ~~Unless next scheduled meeting of the committee. If the committee does not have a meeting scheduled during the following calendar month,~~ the deferred administrative regulation ***is placed on a subsequent agenda within the review period, the administrative regulation*** shall take effect ***at the expiration of the review period***.
- (4) ***The deferral of an effective administrative regulation under review by a subcommittee shall be governed by this subsection.***
- (a) ***A request for deferral may be granted if:***
- 1. The administrative body submits a written letter to the regulations compiler;***
  - 2. The letter is received prior to the subcommittee meeting; and***
  - 3. Approved by the presiding chair or chairs.***
- (b) ***A request for deferral may be granted at the discretion of the subcommittee if the request is made by the administrative body orally at a meeting of the subcommittee.***
- (c) ***The subcommittee may request that consideration of an administrative regulation be deferred by the administrative body. Upon receipt of the request, the administrative body may agree to defer consideration of the administrative regulation.***
- (d) ***An administrative regulation that is deferred may be placed on a subsequent agenda of the subcommittee*** ~~on the last workday of the calendar month following the month in which the administrative regulation is deferred;~~
- ~~(e) An administrative regulation shall not be deferred from the final scheduled meeting of an interim joint committee to which the administrative regulation was referred pursuant to KRS 13A.290(6)(a)1.;~~
- ~~(d) An administrative regulation shall not be deferred from the final scheduled meeting of a standing committee to which the administrative regulation was referred pursuant to KRS 13A.290(6)(a)2.; and~~

~~(e) An administrative regulation shall not be deferred from an interim joint committee to House and Senate standing committees or from House and Senate standing committees to an interim joint committee.~~

➔Section 9. KRS 13A.310 is amended to read as follows:

- (1) Except as provided in KRS 13A.3102 and 13A.3104, an administrative regulation, once adopted, cannot be withdrawn but shall be repealed if it is desired that it no longer be effective.
- (2) Except as provided in KRS 13A.3102 and 13A.3104, an administrative regulation, once adopted, cannot be suspended but shall be repealed if it is desired to suspend its effect.
- (3) (a) An administrative regulation shall be repealed only by the promulgation of an administrative regulation that:
  1. Is titled "Repeal of (state number of administrative regulation to be repealed)";
  2. Contains the reasons for repeal in the "NECESSITY, FUNCTION, AND CONFORMITY" paragraph;
  3. Includes in the body of the administrative regulation, a citation to the number and title of the administrative regulation or regulations being repealed; and
  4. Meets the filing and formatting requirements of KRS 13A.220.
- (b) 1. Except as provided in subparagraph 2. of this paragraph, on the effective date of an administrative regulation that repeals an administrative regulation, determined in accordance with KRS 13A.330 or 13A.331, the regulations compiler shall delete the repealed administrative regulation and the repealing administrative regulation from the Kentucky Administrative Regulations Service.
2. If the repealing administrative regulation specifies an effective date that is after the administrative regulation would become effective pursuant to KRS 13A.330 or 13A.331, the specified effective date shall be considered the effective date of the repealing administrative regulation. On the specified effective date, the regulations compiler shall delete the repealed administrative regulation and the repealing administrative regulation from the Kentucky Administrative Regulations Service.
- (c) An administrative body may repeal more than one (1) administrative regulation in an administrative regulation promulgated pursuant to paragraph (a) of this subsection if the administrative regulations being repealed are contained in the same chapter of the Kentucky Administrative Regulations Service.
- (4) (a) An ordinary administrative regulation may be withdrawn by the promulgating administrative body at any time prior to its adoption.
- (b) An ordinary administrative regulation that has been found deficient may be withdrawn by the promulgating administrative body at any time prior to receipt by the regulations compiler of the determination of the Governor made pursuant to KRS 13A.330 ~~or 13A.331~~ or may be withdrawn by the Governor.
- (c) If an ordinary administrative regulation is withdrawn, the administrative body or the Governor shall inform the regulations compiler of the reasons for withdrawal in writing.
- (5) Once an ordinary administrative regulation is withdrawn, it shall not be reinstated, except by repromulgation as a totally new matter.

➔Section 10. KRS 13A.3102 is amended to read as follows:

- (1) An ordinary administrative regulation with a last effective date on or after **March 1, 2013**~~July 1, 2012~~, shall expire seven (7) years after its last effective date, except as provided by the certification process in KRS 13A.3104.
- (2) An ordinary administrative regulation with a last effective date before **March 1, 2013**~~July 1, 2012~~, shall expire on **March 1, 2020**~~July 1, 2019~~, except as provided by the certification process in KRS 13A.3104.
- (3) For all administrative regulations that expire under this section or KRS 13A.3104, the regulations compiler shall:
  - (a) Delete them from the Kentucky Administrative Regulations Service;

- (b) Add them to the list of ineffective administrative regulations; and
  - (c) Beginning on ~~September~~~~January~~ 1, 2020, and at least once every six (6) months thereafter, publish a list of administrative regulations that have expired since the most recent previous list was published under this paragraph.
- (4) Within three (3) months of *the effective date of this Act*~~[June 29, 2017]~~, and at least once every six (6) months thereafter, the regulations compiler shall publish a list of existing administrative regulations and their corresponding last effective dates.

➔Section 11. KRS 13A.3104 is amended to read as follows:

- (1) If an administrative body does not want an administrative regulation to expire under KRS 13A.3102, the administrative body shall:
- (a) Review the administrative regulation in its entirety for compliance with~~[the requirements of KRS Chapter 13A and]~~ current law governing the subject matter of the administrative regulation;~~[and]~~
  - (b) Prior to the expiration date, file a certification letter with the regulations compiler stating whether the administrative regulation shall be amended or remain in effect without amendment; **and**
  - (c) ***Not be required to consider KRS Chapter 13A drafting and formatting requirements as part of its review.***
- (2) The certification letter shall be on the administrative body's official letterhead, in the format prescribed by the regulations compiler, and include the following information:
- (a) The name of the administrative body;
  - (b) The number of the administrative regulation;
  - (c) The title of the administrative regulation;
  - (d) A statement that:
    1. The administrative body shall be amending the administrative regulation; or
    2. The administrative regulation shall remain in effect without amendment; and
  - (e) A brief statement in support of the decision.
- (3) (a) If the certification letter was filed pursuant to subsection (1)(b) of this section, stating that the administrative regulation shall be amended, the administrative body shall file an amendment to the administrative regulation in accordance with KRS Chapter 13A within eighteen (18) months of the date the certification letter was filed.
- (b) If the amendment was filed in accordance with paragraph (a) of this subsection:
1. The administrative regulation shall not expire if it is continuing through the administrative regulations process; or
  2. The administrative regulation shall expire on the date the amendment is withdrawn or otherwise ceases going through the administrative regulations process.
- (c) Once the amendment is effective, the regulations compiler shall update the last effective date for that administrative regulation to reflect the amendment's effective date.
- (4) If the certification letter was filed pursuant to subsection (1)(b) of this section, stating that the administrative regulation shall remain in effect without amendment, the regulations compiler shall:
- (a) Update the administrative regulation's history line to state that a certification letter was received; and
  - (b) Change the last effective date of the administrative regulation to the date the certification letter was received.
- (5) If filed by the deadline established in KRS 13A.050(3), the regulations compiler shall publish in the Administrative Register of Kentucky each certification letter received:
- (a) In summary format; or
  - (b) In its entirety.

➔Section 12. KRS 13A.315 is amended to read as follows:

- (1) An administrative regulation shall expire and shall not be reviewed by a legislative subcommittee if:
  - (a) It has not been reviewed or approved by the official or administrative body with authority to review or approve;
  - (b) The statement of consideration and, if applicable, the amended after comments version are not filed on or before a deadline specified by this chapter;
  - (c) The administrative body has failed to comply with the provisions of this chapter governing the filing of administrative regulations, the public hearing and public comment period, or the statement of consideration; or
  - (d) The administrative regulation is deferred pursuant to KRS 13A.300(2) more than twelve (12) times.
- (2)
  - (a) An administrative regulation that has been found deficient by a subcommittee shall be withdrawn immediately if, pursuant to KRS 13A.330~~[or 13A.331]~~, the Governor has determined that it shall be withdrawn.
  - (b) The Governor shall notify the regulations compiler in writing and by telephone that he or she has determined that the administrative regulation found deficient shall be withdrawn.
  - (c) The written withdrawal of an administrative regulation governed by the provisions of this subsection shall be made in a letter to the regulations compiler in the following format: "Pursuant to **Section 13 of this Act**~~[KRS (13A.330(2)(b) or 13A.331(2)(b), whichever is applicable)]~~, I have determined that (administrative regulation number and title) shall be (withdrawn, or withdrawn and amended to conform to the finding of deficiency, as applicable). The administrative regulation, (administrative regulation number and title), is hereby withdrawn."
  - (d) An administrative regulation governed by the provisions of this subsection shall be considered withdrawn upon receipt by the regulations compiler of the written withdrawal.

➔Section 13. KRS 13A.330 is amended to read as follows:

~~[The provisions of this section shall apply to administrative regulations that are assigned pursuant to KRS 13A.290(6)(a)1.]~~

- (1)
  - ~~(a) [An administrative regulation that has not been found deficient by a legislative subcommittee shall be considered as adopted and shall become effective:~~
  - ~~(a) Upon adjournment on the day a subcommittee meets to consider the administrative regulation pursuant to KRS 13A.290(7) if:~~
    - ~~1. The administrative regulation is on the agenda of the subcommittee meeting;~~
    - ~~2. A quorum of the subcommittee is present; and~~
    - ~~3. The subcommittee:~~
      - ~~a. Considers the administrative regulation; or~~
      - ~~b. Fails to consider the administrative regulation and fails to agree to defer its consideration of the administrative regulation; or~~
  - ~~(b) If a subcommittee fails to meet within thirty (30) days of assignment of an administrative regulation as provided in KRS 13A.290(7), or does not place the administrative regulation on the agenda of a meeting held within thirty (30) days of the referral of the administrative regulation to it by the Commission, at the expiration of the thirty (30) day period.~~
- (2) If **a filed**~~[an]~~ administrative regulation has been found deficient, **the**~~[by a legislative subcommittee, the legislative]~~ subcommittee shall transmit to the Governor **and the regulations compiler:**
  - ~~1. (a)]~~ A copy of **the**~~[its]~~ finding of deficiency and other **relevant** findings, recommendations, or comments~~[it deems appropriate]; and~~
  - ~~2. (b)]~~ A request that the Governor determine whether the administrative regulation shall:
    - ~~a. [ ]~~ Be withdrawn;

- b.~~{2.}~~ Be ~~withdrawn and~~ amended *at a subcommittee meeting pursuant to KRS 13A.320* to conform to the finding of deficiency; or
- c.~~{3.}~~ Become effective pursuant to the provisions of this section notwithstanding the finding of deficiency.

~~{(3) If an administrative regulation has been found deficient by a legislative subcommittee, the legislative subcommittee shall transmit copies of its transmittal to the Governor to the regulations compiler.}~~

~~(b){(4)}~~ The Governor shall transmit his *or her* determination to the Commission and the regulations compiler.

~~(c){(5)}~~ A *filed*~~{An}~~ administrative regulation that has been found deficient~~{ by a legislative subcommittee}~~ shall be considered as adopted and become effective after:

1. a.~~{(a) 1.}~~ The *review period established in this chapter has been completed*~~{subcommittee of appropriate jurisdiction to which an administrative regulation was assigned pursuant to KRS 13A.290(6) has:~~

- a. ~~Considered the administrative regulation;~~
- b. ~~Failed to consider the administrative regulation and failed to agree to defer its consideration of the administrative regulation; or~~
- e. ~~Failed to meet within thirty (30) days of such assignment}; and~~

b.~~{2.}~~ The regulations compiler has received the Governor's determination that the administrative regulation shall become effective pursuant to the provisions of this section notwithstanding the finding of deficiency; or

2.~~{(b)}~~ The ~~{legislative}~~ subcommittee that found the *filed* administrative regulation deficient subsequently determines that *if*~~{the administrative regulation}~~ is not deficient *in accordance with Section 15 of this Act*, provided that this determination was made prior to receipt by the regulations compiler of the Governor's determination.

(2) *If an effective administrative regulation has been found deficient by a subcommittee, the subcommittee shall transmit to the Governor a copy of its finding of deficiency and other findings, recommendations, or comments it deems appropriate.*

➔Section 14. KRS 13A.331 is amended to read as follows:

A *filed*~~{The provisions of this section shall apply to administrative regulations that are assigned pursuant to KRS 13A.290(6)(a)2.}~~

~~(1) An}~~ administrative regulation that has not been *deferred or* found deficient~~{ by both standing committees}~~ shall be considered as adopted and shall become effective:

~~(1){(a)}~~ Upon adjournment *of a meeting of an interim joint committee if:*

- (a) *The administrative regulation was on the meeting agenda; and*
- (b) *A quorum was present;*

(2) *Upon adjournment of a meeting of a joint standing committee if:*

- (a) *The administrative regulation was on the meeting agenda; and*
- (b) *A quorum was present;*

(3) *Upon adjournment of a meeting of a House or Senate standing committee if:*

- (a) *The administrative regulation was on its meeting agenda;*
- (b) *A quorum was present; and*
- (c) *The administrative regulation has previously been on a meeting agenda of the other standing committee when a quorum was present*~~{on the day the second standing committee meets to consider the administrative regulation pursuant to KRS 13A.290 if:~~

1. ~~The administrative regulation is on the agenda of the standing committee meeting;~~

2. ~~A quorum of the standing committee is present;~~



3. ~~The standing committee:~~
- a. ~~Considers the administrative regulation; or~~
  - b. ~~Fails to consider the administrative regulation and fails to agree to defer its consideration of the administrative regulation; and~~
4. ~~Pursuant to KRS 13A.290(9), the decision of the standing committee to amend the administrative regulation is the same as the decision of the corresponding standing committee of the other chamber to amend the administrative regulation;~~
- (b) ~~Upon adjournment on the day the standing committee meeting jointly meets to consider the administrative regulation pursuant to KRS 13A.290 if:~~
1. ~~The administrative regulation is on the agenda of the joint standing committee meeting;~~
  2. ~~A quorum of the joint standing committee is present;~~
  3. ~~The joint standing committee meeting:~~
    - a. ~~Considers the administrative regulation; or~~
    - b. ~~Fails to consider the administrative regulation and fails to agree to defer its consideration of the administrative regulation}; or~~
- (4)(c) *At the expiration of the review period established in subsection (7) of Section 7 of this Act, if within the review period a subcommittee has failed*~~standing committee fails~~ *to meet or failed to*~~within thirty (30) days of assignment of an administrative regulation as provided in KRS 13A.290, or does not~~ *place a filed*~~the~~ *administrative regulation on a meeting*~~the~~ *agenda*~~of a meeting held within thirty (30) days of the referral of the administrative regulation to it by the Commission, at the expiration of the thirty (30) day period~~.
- (2) ~~If an administrative regulation has been found deficient by both standing committees, or by the standing committees meeting jointly, the standing committees, or the standing committees meeting jointly shall transmit to the Governor:~~
- (a) ~~A copy of its finding of deficiency and other findings, recommendations, or comments it deems appropriate; and~~
  - (b) ~~A request that the Governor determine whether the administrative regulation shall:~~
    1. ~~Be withdrawn;~~
    2. ~~Be withdrawn and amended to conform to the finding of deficiency; or~~
    3. ~~Become effective pursuant to the provisions of this section notwithstanding the finding of deficiency.~~
- (3) ~~If an administrative regulation has been found deficient by the standing committees or by the standing committees meeting jointly, the standing committees or standing committees meeting jointly shall transmit copies of its transmittal to the Governor to the regulations compiler.~~
- (4) ~~The Governor shall transmit his determination to the Commission and the regulations compiler.~~
- (5) ~~An administrative regulation that has been found deficient by the Administrative Regulation Review Subcommittee, the standing committees or by the standing committees meeting jointly shall be considered as adopted and become effective after:~~
- (a) 1. ~~The standing committees of appropriate jurisdiction to which an administrative regulation was assigned pursuant to KRS 13A.290 has:~~
    - a. ~~Considered the administrative regulation;~~
    - b. ~~Failed to consider the administrative regulation and failed to agree to defer its consideration of the administrative regulation; or~~
    - e. ~~Failed to meet within thirty (30) days of such assignment; and~~
  2. ~~The regulations compiler has received the Governor's determination that the administrative regulation shall become effective pursuant to the provisions of this section notwithstanding the finding of deficiency; or~~

~~(b) The subcommittee, standing committees, or standing committees meeting jointly that found the administrative regulation deficient subsequently determines that the administrative regulation is not deficient, provided that this determination was made prior to receipt by the regulations compiler of the Governor's determination.~~

➔Section 15. KRS 13A.335 is amended to read as follows:

- (1) (a) A ~~filed~~~~[An]~~ administrative regulation found deficient by a subcommittee shall not be considered deficient if:
- 1.~~[(a)]~~ A subsequent amendment of that administrative regulation is filed with the Commission by the administrative body;
  - 2.~~[(b)]~~ The subcommittee that found the administrative regulation deficient approves a motion that the subsequent amendment corrects the deficiency; and
  - 3.~~[(c)]~~ Any subcommittee that reviews the administrative regulation under the provisions of KRS Chapter 13A finds that the administrative regulation is not deficient.
- ~~(b)~~~~[(2)]~~ A ~~filed~~~~[An]~~ administrative regulation found deficient by the Administrative Regulation Review Subcommittee shall not be considered deficient if:
- 1.~~[(a)]~~ The administrative regulation is amended to correct the deficiency at a meeting of the subcommittee to which it was assigned by the Commission;
  - 2.~~[(b)]~~ That subcommittee does not determine that the administrative regulation is deficient for any other reason; and
  - 3.~~[(c)]~~ The Administrative Regulation Review Subcommittee approves a motion that the deficiency has been corrected and that the administrative regulation should not be considered deficient.
- ~~(c)~~~~[(3)]~~ A ~~filed~~~~[An]~~ administrative regulation found deficient by a subcommittee ***with subject matter jurisdiction*** shall not be considered deficient if the subcommittee:
- 1.~~[(a)]~~ Reconsiders the administrative regulation and its finding of deficiency; and
  - 2.~~[(b)]~~ Approves a motion that the administrative regulation is not deficient.
- ~~(d)~~~~[(4)]~~~~(a)~~ If an ***amendment to an effective***~~[existing]~~ administrative regulation ***is going through the KRS Chapter 13A promulgation process and is***~~[has been amended and]~~ found deficient by a subcommittee, ***the administrative regulation***~~[it]~~ shall not be considered deficient if the:
1. Administrative regulation was found deficient due to the amendment;
  2. Promulgating administrative body has withdrawn the proposed amendment of the existing administrative regulation; and
  3. Regulations compiler has not received the Governor's determination pursuant to KRS 13A.330 ~~or 13A.331~~.
- (2) ***If an effective administrative regulation is found deficient by a subcommittee, the administrative regulation shall not be considered deficient if the subcommittee:***
- (a) ***Reconsiders the administrative regulation and its finding of deficiency; and***
  - (b) ***Approves a motion that the administrative regulation is not deficient.***
- (3) ~~(a)~~~~[(b)]~~ If an administrative regulation has been found deficient by a subcommittee, the regulations compiler shall add the following notice to the administrative regulation: "This administrative regulation was found deficient by the [name of subcommittee] on [date]." This notice shall be the last section of the administrative regulation.
- ~~(b)~~~~[(c)]~~ If an administrative regulation has been found deficient by a subcommittee, subsequent amendments of that administrative regulation filed with the Commission shall contain the notice provided in paragraph ~~(a)~~~~[(b)]~~ of this subsection.
- ~~(c)~~~~[(d)]~~ If an administrative regulation that has been found deficient by a subcommittee has subsequently been determined not to be deficient under the provisions of this section, the regulations compiler shall delete the notice required by paragraph ~~(a)~~~~[(b)]~~ of this subsection.

➔Section 16. KRS 158.6471 is amended to read as follows:

- (1) Within forty-five (45) days after publication of an administrative regulation in "The Administrative Register" or within sixty (60) days of the receipt of a statement of consideration, the Education Assessment and Accountability Review Subcommittee shall meet to review the administrative regulation.
- (2) The meetings shall be open to the public.
- (3) Public notice of the time, date, and place of the subcommittee meeting shall be given in The Administrative Register.
- (4) A representative of the Department of Education shall be present to explain the administrative regulation and to answer questions thereon. If a representative of the Department of Education is not present at the subcommittee meeting, the administrative regulation shall be deferred to the next regularly scheduled meeting of the subcommittee.
- (5) Following the meeting and before the next regularly scheduled meeting of the Legislative Research Commission, the subcommittee shall forward to the Commission its findings, recommendations, or other comments it deems appropriate in writing. The subcommittee shall also forward to the Commission its findings, recommendations, or other comments it deems appropriate on an existing administrative regulation it has reviewed. One (1) copy shall be sent to the Department of Education. The subcommittee's findings shall be published in The Administrative Register.
- (6)
  - (a) After review by the subcommittee, the Commission shall at its next regularly scheduled meeting assign the matter as appropriate to the Interim Joint Committee on Education, the Senate standing Education Committee, the House standing Education Committee, or the Senate and the House standing committees meeting jointly.
  - (b) Upon notification of the assignment by the Commission, the Education Committee shall notify the regulations compiler:
    1. Of the date, time, and place of the meeting at which it will consider the matter; or
    2. That it will not meet to consider the matter.
- (7) Within thirty (30) days of the assignment, the Education Committee, when it plans to consider an administrative regulation, shall hold a public meeting during which the regulation shall be reviewed. If the thirtieth day of the assignment falls on a Saturday, Sunday, or holiday, the deadline for review shall be the workday following the Saturday, Sunday, or holiday. The committee may also review an existing administrative regulation and make a determination as provided by KRS 13A.030(2), ~~and~~ (3), **and** (4). Notice of the time, date, and place of the meeting shall be placed in the legislative calendar.
- (8) The Department of Education shall comply with subsection (4) of this section.
- (9) The Education Committee shall be empowered to make the same nonbinding determinations and to exercise the same authority as the Administrative Regulation Review Subcommittee.
- (10)
  - (a) Upon adjournment of the meeting at which the Education Committee has considered an administrative regulation pursuant to subsection (7) of this section, the committee shall inform the regulations compiler of its findings, recommendations, or other action taken on the administrative regulation.
  - (b) Following the meeting and before the next regularly scheduled meeting of the Commission, the committee shall forward to the Commission its findings, recommendations, or other comments it deems appropriate in writing. One (1) copy shall be sent to the Department of Education. The committee's findings shall be published in The Administrative Register.

**Vetoed 3/26/2019; Veto overridden 3/28/2019.**