

324B.040 Independent board or commission to use services of Department of Professional Licensing -- Exemptions -- Report.

- (1) As used in this section, "independent board or commission" means an executive branch agency created by statute that serves the primary purpose of licensing, certifying, registering, or otherwise regulating any occupational or professional category. "Independent board or commission" does not include:
 - (a) An executive branch board or commission that is a part of another executive branch agency;
 - (b) Any board or commission that is under the authority or jurisdiction of the General Assembly or the judicial branch; or
 - (c) Any board or commission within any branch of state government if that board or commission is expressly designed to:
 1. Study, report, or make recommendations regarding a particular issue; or
 2. Expire within a time certain.
- (2) Any independent board or commission that is created after July 15, 2010, shall use the administrative services of the Department of Professional Licensing as described under KRS 324B.030 unless that board or commission can reasonably demonstrate to the satisfaction of the department that it will license, certify, register, or otherwise regulate at least one hundred (100) persons. If the board or commission is able to initially demonstrate that it will reach the threshold established in this subsection and then fails to license, certify, register, or otherwise regulate at least one hundred (100) persons at the end of any two (2) consecutive fiscal years, that board or commission shall be subject to the process required in subsection (4) of this section.
- (3) Any independent board or commission that was created before July 15, 2010, shall undergo the process required in subsection (4) of this section if that board or commission licenses, certifies, registers, or otherwise regulates less than one hundred (100) persons at the end of any two (2) consecutive fiscal years ending on or after June 30, 2010.
- (4) (a) If an independent board or commission fails to regulate one hundred (100) or more persons for two (2) consecutive fiscal years as described in subsections (2) and (3) of this section, that board or commission shall submit a report within ninety (90) days after the close of the second of the two (2) fiscal years to the Department of Professional Licensing and to the Interim Joint Committee on Licensing and Occupations of the Legislative Research Commission or to the corresponding standing committees of the General Assembly. The report shall contain, at a minimum:
 1. The number of persons licensed, certified, registered, or otherwise regulated by the board or commission at the close of each of the two (2) fiscal years;
 2. A detailed accounting of the revenues, fees collected, board or commission member reimbursements or per diems, staff salaries, costs, expenses, and other financial activities of the board or commission for each of the two (2) fiscal years; and
 3. The board or commission's plan to:

- a. Increase the number of persons it licenses, certifies, registers, or otherwise regulates to one hundred (100) or more persons;
 - b. Merge with one (1) or more other boards, commissions, or other governmental entities, which will result in a merged entity that will license, certify, register, or otherwise regulate one hundred (100) or more persons; or
 - c. Allow the Department of Professional Licensing to assume administrative duties for the board or commission as described in KRS 324B.030.
- (b) If, after implementation of its plan under paragraph (a)3.a. or b. of this subsection, an independent board or commission fails to license, certify, register, or otherwise regulate one hundred (100) or more persons for an additional three (3) consecutive fiscal years, for a total of five (5) consecutive fiscal years, that board or commission shall allow the Department of Professional Licensing to assume administrative duties for the board or commission as described in KRS 324B.030 within ninety (90) days after the end of the fifth fiscal year.

Effective Date: April 11, 2017

History: Repealed, reenacted, renumbered, and amended 2017 Ky. Acts ch. 178, sec. 6, effective April 11, 2017. -- Created 2010 Ky. Acts ch. 15, sec. 1, effective July 15, 2010.

Legislative Research Commission Note (7/15/2010). References to the "Division of Occupations and Professions" in subsections (2) and (4) of this section, as created by 2010 Ky. Acts ch. 15, sec. 1, have been changed in codification to the "Office of Occupations and Professions" to reflect the reorganization of certain parts of the Executive Branch, as set forth in Executive Order 2009-535 and confirmed by the General Assembly in 2010 Ky. Acts ch. 24. These changes were made by the Reviser of Statutes pursuant to 2010 Ky. Acts ch. 24, sec. 1938.

Formerly codified as KRS 224.10-053.