

AN ACT proposing to amend Section 29 of the Constitution of Kentucky relating to administrative regulations.

WHEREAS, the members of the General Assembly take an oath swearing to uphold the Constitution of the Commonwealth of Kentucky; and

WHEREAS, the power to make laws is vested by the Kentucky Constitution exclusively in the legislative branch of government; and

WHEREAS, the General Assembly is a co-equal branch of government with the executive and judicial branches; and

WHEREAS, the purpose of administrative regulations is to provide the structure to implement the laws enacted by the General Assembly, not to create new public policy; and

WHEREAS, the executive branch appointees are not elected and are not directly accountable to the citizens of the Commonwealth; and

WHEREAS, when administrative regulations are found to be deficient, it is because an administrative regulation exceeds the rule-making authority granted to the executive branch in statute; and

WHEREAS, the General Assembly, meeting for 30 legislative days in odd-numbered years and 60 legislative days in even-numbered years, is limited by the legislative calendar in its ability to timely overturn an administrative regulation found to be deficient; and

WHEREAS, the executive branch may disregard the votes of the General Assembly committees and may implement administrative regulations found to be deficient; and

WHEREAS, the General Assembly, in order to establish a mechanism to address administrative regulations found to be deficient by the Administrative Regulation Review Subcommittee and the legislative subcommittee when the General Assembly is not in session, hereby tenders the following amendment to Section 29 of the Constitution of Kentucky, which shall be voted upon by referendum by the citizens of Kentucky;

NOW, THEREFORE,

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

➔Section 1. It is proposed that Section 29 of the Constitution of Kentucky be amended to read as follows:

The legislative power shall be vested in a House of Representatives and a Senate, which, together, shall be styled the "General Assembly of the Commonwealth of Kentucky." ***Included within this power is the authority to establish by general law a process permitting the General Assembly, or an agency or committee of its own members that it creates or designates, to review, approve, or disapprove any administrative regulation of an officer or agency of the executive department during or between regular sessions of the General Assembly. An administrative regulation disapproved under this section shall be void and unenforceable.***

➔Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under KRS 118.415. The question on the ballot shall read as follows: "Do you agree that a government regulation issued without the final approval of the General Assembly may be voided by the General Assembly, or an agency or committee it creates or designates?"