

1 AN ACT relating to administrative regulations.

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

3 ➔Section 1. KRS 13A.290 is amended to read as follows:

- 4 (1) (a) Except as provided by KRS 158.6471 and 158.6472, the Administrative
5 Regulation Review Subcommittee shall meet monthly to review
6 administrative regulations prior to close of business on the fifteenth day of the
7 calendar month.
- 8 (b) The agenda shall:
- 9 1. Include each administrative regulation that was published in the prior
10 month's Administrative Register not including the administrative
11 regulations published in the "As Amended" section;
- 12 2. Include each administrative regulation for which a statement of
13 consideration was received on or before 12 noon, eastern time, on the
14 fifteenth day of the prior calendar month;
- 15 3. Include each administrative regulation that was deferred from the prior
16 month's meeting of the subcommittee; and
- 17 4. Not include an administrative regulation that is deferred, withdrawn,
18 expired, or automatically taken off the agenda under the provisions of
19 this chapter.
- 20 (c) Review of an administrative regulation shall include the entire administrative
21 regulation and all attachments filed with the administrative regulation. The
22 review of amendments to existing administrative regulations shall not be
23 limited to only the changes proposed by the promulgating administrative
24 body.
- 25 (2) The meetings shall be open to the public.
- 26 (3) Public notice of the time, date, and place of the Administrative Regulation Review
27 Subcommittee meeting shall be given in the Administrative Register.

- 1 (4) A representative of the administrative body promulgating the administrative
2 regulation under consideration shall be present to explain the administrative
3 regulation and to answer questions thereon. If a representative of the administrative
4 body with authority to amend the administrative regulation is not present at the
5 subcommittee meeting, the administrative regulation shall be deferred to the next
6 regularly scheduled meeting of the subcommittee.
- 7 (5) Following the meeting and before the next regularly scheduled meeting of the
8 Commission, the Administrative Regulation Review Subcommittee shall forward to
9 the Commission its findings, recommendations, or other comments it deems
10 appropriate in writing. The Administrative Regulation Review Subcommittee shall
11 also forward to the Commission its findings, recommendations, or other comments
12 it deems appropriate on an existing administrative regulation it has reviewed. The
13 Administrative Regulation Review Subcommittee's findings shall be published in
14 the Administrative Register.
- 15 (6) (a) After review by the Administrative Regulation Review Subcommittee, the
16 Commission shall, on the first Wednesday of the following month, or if the
17 first Wednesday is a legal holiday, the next workday of the month, assign the
18 administrative regulation to:
- 19 1. An interim joint committee of appropriate jurisdiction over the subject
20 matter of the administrative regulation; or
 - 21 2. During a session of the General Assembly, the House of Representatives
22 and Senate standing committees of appropriate jurisdiction over the
23 subject matter of the administrative regulation.
- 24 (b) Upon notification of the assignment by the Commission, the legislative
25 subcommittee to which the administrative regulation is assigned shall notify
26 the regulations compiler:
- 27 1. Of the date, time, and place of the meeting at which it will consider the

1 administrative regulation; or

2 2. That it will not meet to consider the administrative regulation.

3 (7) Within thirty (30) days of the assignment, the subcommittee may hold a public
4 meeting during which the administrative regulation shall be reviewed. If the
5 thirtieth day of the assignment falls on a Saturday, Sunday, or holiday, the deadline
6 for review shall be the workday following the Saturday, Sunday, or holiday. The
7 subcommittee may also review an existing administrative regulation and make a
8 determination as provided by KRS 13A.030(2) and (3). Notice of the time, date, and
9 place of the meeting shall be placed in the legislative calendar.

10 (8) Except as provided in subsection (9) of this section, a subcommittee shall be
11 empowered to make the same nonbinding determinations and to exercise the same
12 authority as the Administrative Regulation Review Subcommittee.

13 (9) (a) A majority of the entire membership of the subcommittee to which an
14 administrative regulation is referred pursuant to subsection (6)(a) of this
15 section shall constitute a quorum for purposes of reviewing administrative
16 regulations.

17 (b) In order to amend an administrative regulation pursuant to KRS 13A.320 or to
18 find an administrative regulation deficient pursuant to KRS 13A.030(2) and
19 (3), the motion to amend or find deficient shall be approved by a majority of
20 the entire membership of the subcommittee. Additionally, during a session of
21 the General Assembly, standing committees of the Senate and House of
22 Representatives shall agree in order to amend an administrative regulation or
23 to find an administrative regulation deficient pursuant to KRS 13A.030(2) and
24 (3) by:

25 1. Meeting separately; or

26 2. Meeting jointly. If the standing committees meet jointly, it shall require
27 a majority vote of Senate members voting and a majority of House

1 members voting, as well as the majority vote of the entire membership
2 of the standing committees meeting jointly, in order to take action on the
3 administrative regulation.

4 (10) (a) Upon adjournment of the meeting at which a legislative subcommittee has
5 considered an administrative regulation pursuant to subsection (7) of this
6 section, the subcommittee shall inform the regulations compiler of its
7 findings, recommendations, or other action taken on the administrative
8 regulation.

9 (b) Following the meeting and before the next regularly scheduled meeting of the
10 Commission, the subcommittee shall forward to the Commission its findings,
11 recommendations, or other comments it deems appropriate in writing. The
12 subcommittee's findings shall be published in the Administrative Register.

13 **(11) (a) By December 31 of each year, the administrative regulations compiler shall**
14 **compile a list of each administrative regulation considered during the year**
15 **and the disposition of each administrative regulation, including whether the**
16 **regulation was:**

17 **1. Reviewed;**

18 **2. Reviewed and found to be deficient and withdrawn; or**

19 **3. Reviewed and found to be deficient but adopted under the authority of**
20 **KRS 13A.330(5) and 13A.331(5).**

21 **(b) 1. The list compiled under paragraph (a) of this subsection shall be**
22 **provided to each co-chair of the Administrative Regulation Review**
23 **Subcommittee. Each co-chair shall file the list as a simple resolution**
24 **in his or her respective chamber of the General Assembly asking the**
25 **body to concur with the findings of the Administrative Regulation**
26 **Review Subcommittee.**

27 **2. A member of either chamber may object to any administrative**

1 regulation included within the resolution in his or her chamber and
2 ask that the administrative regulation be removed from the list before
3 approval by the body.

4 3. Administrative regulations removed from the list, or listed as deficient,
5 shall be referred to the interim joint committee with jurisdiction over
6 that administrative regulation by the Commission for action during
7 the interim to include:

8 a. Inviting testimony from a representative of the administrative
9 body about perceived problems with the administrative
10 regulation;

11 b. Inviting testimony from citizens affected by aspects of the
12 administrative regulation; and

13 c. Calling for a new regulatory impact analysis and fiscal note on
14 the financial impact of the administrative regulation from the
15 promulgating administrative body.