

1 AN ACT relating to administrative regulations.

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

3 ➔SECTION 1. A NEW SECTION OF KRS 13A.290 TO 13A.335 IS CREATED
4 TO READ AS FOLLOWS:

5 *(1) After the last regularly scheduled meeting of the Administrative Regulation*
6 *Review Subcommittee in a calendar year, but by the thirty-first day of December*
7 *of that calendar year, the staff of the Administrative Regulation Review*
8 *Subcommittee shall submit a report to the co-chairs of that subcommittee*
9 *regarding administrative regulations that were found deficient by any*
10 *subcommittee of the Commission during that calendar year. The report shall*
11 *contain at least the following information for each applicable administrative*
12 *regulation:*

13 *(a) Administrative regulation number and title;*

14 *(b) Name of the promulgating agency;*

15 *(c) Date of deficiency determination;*

16 *(d) Name of the subcommittee that made the deficiency determination;*

17 *(e) Administrative regulation effective date, if it is in effect;*

18 *(f) The finding of deficiency and any other findings, recommendations, or*
19 *comments sent to the Governor; and*

20 *(g) If received, the Governor's determination that the administrative regulation*
21 *shall become effective notwithstanding the finding of deficiency.*

22 *(2) The first page of the report required by subsection (1) of this section shall contain*
23 *the following text, in fourteen (14) point font or larger:*

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

26 *(a) Declaring that each administrative regulation listed in the report shall be*
27 *void; or*

1 **(b) Amending the relevant subject matter statutes in conformity with the**
2 **findings of deficiency."**

3 ➔Section 2. 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 administrative
6 regulations prior to close of business on the fifteenth day of the calendar
7 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 body.

24 (2) The meetings shall be open to the public.

25 (3) Public notice of the time, date, and place of the Administrative Regulation Review
26 Subcommittee meeting shall be given in the Administrative Register.

27 (4) A representative of the administrative body promulgating the administrative

1 regulation under consideration shall be present to explain the administrative
2 regulation and to answer questions thereon. If a representative of the administrative
3 body with authority to amend the administrative regulation is not present at the
4 subcommittee meeting, the administrative regulation shall be deferred to the next
5 regularly scheduled meeting of the subcommittee.

6 (5) Following the meeting and before the next regularly scheduled meeting of the
7 Commission, the Administrative Regulation Review Subcommittee shall forward to
8 the Commission its findings, recommendations, or other comments it deems
9 appropriate in writing. The Administrative Regulation Review Subcommittee shall
10 also forward to the Commission its findings, recommendations, or other comments it
11 deems appropriate on an existing administrative regulation it has reviewed. The
12 Administrative Regulation Review Subcommittee's findings shall be published in the
13 Administrative Register.

14 (6) (a) After review by the Administrative Regulation Review Subcommittee, the
15 Commission shall, on the first Wednesday of the following month, or if the first
16 Wednesday is a legal holiday, the next workday of the month, assign the
17 administrative regulation to:

- 18 1. An interim joint committee of appropriate jurisdiction over the subject
19 matter of the administrative regulation; or
- 20 2. During a session of the General Assembly, the House of Representatives
21 and Senate standing committees of appropriate jurisdiction over the
22 subject matter of the administrative regulation.

23 (b) Upon notification of the assignment by the Commission, the legislative
24 subcommittee to which the administrative regulation is assigned shall notify the
25 regulations compiler:

- 26 1. Of the date, time, and place of the meeting at which it will consider the
27 administrative regulation; or

- 1 2. That it will not meet to consider the administrative regulation.
- 2 (7) Within sixty (60)~~thirty (30)~~ days of the assignment, the subcommittee may hold a
3 public meeting during which the administrative regulation shall be reviewed. If the
4 sixtieth~~thirtieth~~ day of the assignment falls on a Saturday, Sunday, or holiday, the
5 deadline for review shall be the workday following the Saturday, Sunday, or holiday.
6 The subcommittee may also review an existing administrative regulation and make a
7 determination as provided by KRS 13A.030(2) and (3). Notice of the time, date, and
8 place of the meeting shall be placed in the legislative calendar.
- 9 (8) Except as provided in subsection (9) of this section, a subcommittee shall be
10 empowered to make the same nonbinding determinations and to exercise the same
11 authority as the Administrative Regulation Review Subcommittee.
- 12 (9) (a) A majority of the entire membership of the subcommittee to which an
13 administrative regulation is referred pursuant to subsection (6)(a) of this
14 section shall constitute a quorum for purposes of reviewing administrative
15 regulations.
- 16 (b) In order to amend an administrative regulation pursuant to KRS 13A.320 or to
17 find an administrative regulation deficient pursuant to KRS 13A.030(2) and
18 (3), the motion to amend or find deficient shall be approved by a majority of
19 the entire membership of the subcommittee. Additionally, during a session of
20 the General Assembly, standing committees of the Senate and House of
21 Representatives shall agree in order to amend an administrative regulation or
22 to find an administrative regulation deficient pursuant to KRS 13A.030(2) and
23 (3) by:
- 24 1. Meeting separately; or
- 25 2. Meeting jointly. If the standing committees meet jointly, it shall require a
26 majority vote of Senate members voting and a majority of House
27 members voting, as well as the majority vote of the entire membership of

1 the standing committees meeting jointly, in order to take action on the
2 administrative regulation.

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

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

11 ➔Section 3. KRS 13A.330 is amended to read as follows:

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

14 (1) An administrative regulation that has not been found deficient by a legislative
15 subcommittee shall be considered as adopted and shall become effective:

16 (a) Upon adjournment on the day a subcommittee meets to consider the
17 administrative regulation pursuant to KRS 13A.290(7) if:

18 1. The administrative regulation is on the agenda of the subcommittee
19 meeting;

20 2. A quorum of the subcommittee is present; and

21 3. The subcommittee:

22 a. Considers the administrative regulation; or

23 b. Fails to consider the administrative regulation and fails to agree to
24 defer its consideration of the administrative regulation; or

25 (b) If a subcommittee fails to meet within sixty (60)~~thirty (30)~~ days of
26 assignment of an administrative regulation as provided in KRS 13A.290(7), or
27 does not place the administrative regulation on the agenda of a meeting held

1 within sixty (60)~~[thirty (30)]~~ days of the referral of the administrative
 2 regulation to it by the Commission, at the expiration of the sixty (60)~~[thirty~~
 3 ~~(30)]~~ day period.

- 4 (2) If an administrative regulation has been found deficient by a legislative
 5 subcommittee, the legislative subcommittee shall transmit to the Governor:
- 6 (a) A copy of its finding of deficiency and other findings, recommendations, or
 7 comments it deems appropriate; and
- 8 (b) A request that the Governor determine whether the administrative regulation
 9 shall:
- 10 1. Be withdrawn;
- 11 2. Be withdrawn and amended to conform to the finding of deficiency; or
- 12 3. Become effective pursuant to the provisions of this section
 13 notwithstanding the finding of deficiency.
- 14 (3) If an administrative regulation has been found deficient by a legislative
 15 subcommittee, the legislative subcommittee shall transmit copies of its transmittal to
 16 the Governor to the regulations compiler.
- 17 (4) The Governor shall transmit his determination to the Commission and the
 18 regulations compiler.
- 19 (5) An administrative regulation that has been found deficient by a legislative
 20 subcommittee shall be considered as adopted and become effective after:
- 21 (a) 1. The subcommittee of appropriate jurisdiction to which an administrative
 22 regulation was assigned pursuant to KRS 13A.290(6) has:
- 23 a. Considered the administrative regulation;
- 24 b. Failed to consider the administrative regulation and failed to agree
 25 to defer its consideration of the administrative regulation; or
- 26 c. Failed to meet within sixty (60)~~[thirty (30)]~~ days of such
 27 assignment; and

- 1 2. The regulations compiler has received the Governor's determination that
2 the administrative regulation shall become effective pursuant to the
3 provisions of this section notwithstanding the finding of deficiency; or
4 (b) The legislative subcommittee that found the administrative regulation deficient
5 subsequently determines that the administrative regulation is not deficient,
6 provided that this determination was made prior to receipt by the regulations
7 compiler of the Governor's determination.

8 ➔Section 4. KRS 13A.331 is amended to read as follows:

9 The provisions of this section shall apply to administrative regulations that are assigned
10 pursuant to KRS 13A.290(6)(a)2.

11 (1) An administrative regulation that has not been found deficient by both standing
12 committees shall be considered as adopted and shall become effective:

13 (a) Upon adjournment on the day the second standing committee meets to
14 consider the administrative regulation pursuant to KRS 13A.290 if:

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

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

18 3. The standing committee:

19 a. Considers the administrative regulation; or

20 b. Fails to consider the administrative regulation and fails to agree to
21 defer its consideration of the administrative regulation; and

22 4. Pursuant to KRS 13A.290(9), the decision of the standing committee to
23 amend the administrative regulation is the same as the decision of the
24 corresponding standing committee of the other chamber to amend the
25 administrative regulation;

26 (b) Upon adjournment on the day the standing committee meeting jointly meets to
27 consider the administrative regulation pursuant to KRS 13A.290 if:

- 1 1. The administrative regulation is on the agenda of the joint standing
2 committee meeting;
- 3 2. A quorum of the joint standing committee is present;
- 4 3. The joint standing committee meeting:
- 5 a. Considers the administrative regulation; or
- 6 b. Fails to consider the administrative regulation and fails to agree to
7 defer its consideration of the administrative regulation; or
- 8 (c) If a standing committee fails to meet within sixty (60)~~thirty (30)~~ days of
9 assignment of an administrative regulation as provided in KRS 13A.290, or
10 does not place the administrative regulation on the agenda of a meeting held
11 within sixty (60)~~thirty (30)~~ days of the referral of the administrative
12 regulation to it by the Commission, at the expiration of the sixty (60)~~thirty~~
13 ~~(30)~~ day period.
- 14 (2) If an administrative regulation has been found deficient by both standing committees,
15 or by the standing committees meeting jointly, the standing committees, or the
16 standing committees meeting jointly shall transmit to the Governor:
- 17 (a) A copy of its finding of deficiency and other findings, recommendations, or
18 comments it deems appropriate; and
- 19 (b) A request that the Governor determine whether the administrative regulation
20 shall:
- 21 1. Be withdrawn;
- 22 2. Be withdrawn and amended to conform to the finding of deficiency; or
- 23 3. Become effective pursuant to the provisions of this section
24 notwithstanding the finding of deficiency.
- 25 (3) If an administrative regulation has been found deficient by the standing committees
26 or by the standing committees meeting jointly, the standing committees or standing
27 committees meeting jointly shall transmit copies of its transmittal to the Governor to

1 the regulations compiler.

2 (4) The Governor shall transmit his determination to the Commission and the
3 regulations compiler.

4 (5) An administrative regulation that has been found deficient by the Administrative
5 Regulation Review Subcommittee, the standing committees, ~~or by~~ the standing
6 committees meeting jointly shall be considered as adopted and become effective
7 after:

8 (a) 1. The standing committees of appropriate jurisdiction to which an
9 administrative regulation was assigned pursuant to KRS 13A.290 has:

10 a. Considered the administrative regulation;

11 b. Failed to consider the administrative regulation and failed to agree
12 to defer its consideration of the administrative regulation; or

13 c. Failed to meet within sixty (60)~~thirty (30)~~ days of such
14 assignment; and

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

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