

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 CHAPTER 13A IS CREATED TO  
4 BE NUMBERED AS KRS 13A.336 AND TO READ AS FOLLOWS:

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

12 *(b) The report in paragraph (a) of this subsection shall contain:*

13 *1. Effective administrative regulations that were found deficient; and*

14 *2. Administrative regulations filed with the Commission that were found*  
15 *deficient.*

16 *(2) The report shall not contain any administrative regulation that was found*  
17 *deficient and:*

18 *(a) Has been withdrawn; or*

19 *(b) Is no longer considered deficient under Section 15 of this Act.*

20 *(3) The report shall contain at least the following information for each*  
21 *administrative regulation in the report:*

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

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

24 *(c) Date of deficiency determination;*

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

26 *(e) Effective date, if it is in effect;*

27 *(f) The finding of deficiency and any other findings, recommendations, or*

- 1                   *comments sent to the Governor; and*
- 2                   *(g) If applicable under Section 13 of this Act, the Governor's determination*
- 3                   *regarding the deficiency, if received by the Commission.*
- 4                   *(4) The first page of the report required by subsection (1) of this section shall contain*
- 5                   *the following text, in fourteen (14) point font or larger:*
- 6                   *"To ratify the deficiency findings listed in this report, a co-chair or other*
- 7                   *legislator may request that Legislative Research Commission staff prepare a bill:*
- 8                   *(a) Declaring that one (1) or more administrative regulations listed in the*
- 9                   *report shall be void; or*
- 10                  *(b) Amending the relevant subject matter statutes in conformity with the*
- 11                  *findings of deficiency."*

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

- 13                  (1) The Administrative Regulation Review Subcommittee shall:
- 14                   (a) Conduct a continuous study as to whether additional legislation or changes in
- 15                   legislation are needed based on various factors, including, but not limited to,
- 16                   review of new, emergency, and existing administrative regulations, the lack of
- 17                   administrative regulations, and the needs of administrative bodies;
- 18                   (b) Except as provided by KRS 158.6471 and 158.6472, review and comment
- 19                   upon *effective* administrative regulations *pursuant to subsections (2), (3),*
- 20                   *and (4) of this section or administrative regulations filed with*~~submitted to it~~
- 21                   by} the Commission;
- 22                   (c) Make recommendations for changes in statutes, new statutes, repeal of statutes
- 23                   affecting administrative regulations or the ability of administrative bodies to
- 24                   promulgate them; and
- 25                   (d) Conduct such other studies relating to administrative regulations as may be
- 26                   assigned by the Commission.
- 27                  (2) The subcommittee may make a nonbinding determination:

- 1 (a) That an *effective* administrative regulation *or an administrative regulation*  
 2 *filed with the Commission* is deficient because it:
- 3 1. Is wrongfully promulgated;
  - 4 2. Appears to be in conflict with an existing statute;
  - 5 3. Appears to have no statutory authority for its promulgation;
  - 6 4. Appears to impose stricter or more burdensome state requirements than  
 7 required by the federal mandate, without reasonable justification;
  - 8 5. Fails to use tiering when tiering is applicable;
  - 9 6. Is in excess of the administrative body's authority;
  - 10 7. Appears to impose an unreasonable burden on government or small  
 11 business, or both; or
  - 12 8. Appears to be deficient in any other manner;
- 13 (b) That an administrative regulation is needed to implement an existing statute;  
 14 or
- 15 (c) That an administrative regulation should be amended or repealed.
- 16 (3) *The subcommittee may review an effective administrative regulation if requested*  
 17 *by a member of the subcommittee.*
- 18 (4) The subcommittee may require any administrative body to submit data and  
 19 information as required by the subcommittee in the performance of its duties under  
 20 this chapter, and no administrative body shall fail to provide the information or data  
 21 required.
- 22 ➔Section 3. KRS 13A.040 is amended to read as follows:
- 23 The director of the Legislative Research Commission shall appoint an administrative  
 24 regulations compiler who shall:
- 25 (1) Receive administrative regulations, and other documents required to be filed by the  
 26 provisions of this chapter, tendered for filing;
  - 27 (2) Stamp administrative regulations tendered for filing with the time and date of

- 1 receipt;
- 2 (3) Provide administrative and support services to the subcommittee;
- 3 (4) Maintain a file of administrative regulations and other documents required to be  
4 filed by this chapter, for public inspection, with suitable indexes;
- 5 (5) Maintain a file of ineffective administrative regulations;
- 6 (6) Maintain a file of material incorporated by reference, including superseded or  
7 ineffective material incorporated by reference;
- 8 (7) Prepare the Kentucky Administrative Regulations Service;
- 9 (8) Upon request, certify copies of administrative regulations and other documents that  
10 have been filed with the regulations compiler;
- 11 (9) Correct errors that do not change the substance of an administrative regulation,  
12 including, but not limited to, typographical errors, errors in format, and grammatical  
13 errors;
- 14 (10) (a) Change items in an administrative regulation in response to a specific written  
15 request for a technical amendment submitted by the administrative body if the  
16 regulations compiler determines that the requested changes do not affect the  
17 substance of the administrative regulation. Examples of technical amendments  
18 include the address of the administrative body, citations to statutes or other  
19 administrative regulations if a format change within that statute or  
20 administrative regulation has changed the numbering or lettering of parts, or  
21 other changes in accordance with KRS 13A.312; and
- 22 (b) Notify the administrative body within thirty (30) business days of receipt of  
23 a technical amendment letter the status of the request including:
- 24 1. Any requested changes that are accepted as technical amendments;  
25 and
- 26 2. Any requested changes that are not accepted as technical  
27 amendments;

- 1 (11) Refuse to accept for filing administrative regulations, and other documents required  
 2 to be filed by this chapter, that do not conform to the drafting, formatting, or filing  
 3 requirements established by the provisions of KRS 13A.190(4) to (10), 13A.220,  
 4 13A.222(1), (2), and (3), 13A.230, and 13A.280, and notify the administrative body  
 5 in writing of the reasons for refusing to accept an administrative regulation for  
 6 filing;
- 7 (12) Maintain a list of all administrative regulation numbers and the corresponding last  
 8 effective date, based on the information included in the history line of each  
 9 administrative regulation; and
- 10 (13) Perform other duties required by the Commission or by a subcommittee.
- 11 ➔Section 4. KRS 13A.190 is amended to read as follows:
- 12 (1) An emergency administrative regulation is one that:
- 13 (a) Must be placed into effect immediately in order to:
- 14 1. Meet an imminent threat to public health, safety, or welfare;
- 15 2. Prevent a loss of federal or state funds;
- 16 3. Meet a deadline for the promulgation of an administrative regulation that  
 17 is established by state statute or federal law; or
- 18 4. Protect human health and the environment; and
- 19 (b) 1. Is temporary in nature and will expire as provided in this section; or  
 20 2. Is temporary in nature and will be replaced by an ordinary administrative  
 21 regulation as provided in this section.
- 22 (2) Emergency administrative regulations shall become effective and shall be  
 23 considered as adopted upon filing. Emergency administrative regulations shall be  
 24 published in the Administrative Register in accordance with the publication  
 25 deadline established in KRS 13A.050(3).
- 26 (3) (a) Except as provided by paragraph (b) of this subsection, emergency  
 27 administrative regulations shall expire two hundred seventy (270)~~one~~

- 1           ~~hundred eighty (180)~~ days after the date of filing or when the same matter  
2           filed as an ordinary administrative regulation filed for review is adopted,  
3           whichever occurs first.
- 4           (b) If an administrative body extends the time for filing a statement of  
5           consideration as provided by KRS 13A.280(2)(b), an emergency  
6           administrative regulation shall remain in effect for two hundred seventy  
7           (270)~~one hundred eighty (180)~~ days after the date of filing plus the number  
8           of days extended under the provisions of KRS 13A.280(2)(b) or when the  
9           same matter filed as an ordinary administrative regulation filed for review is  
10          adopted, whichever occurs first.
- 11          (4) Except as established in subsection (5) of this section, an emergency administrative  
12          regulation with the same number or title or governing the same subject matter shall  
13          not be filed for a period of nine (9) months after it has been initially filed. No other  
14          emergency administrative regulation that is identical to the previously filed  
15          emergency administrative regulation shall be promulgated.
- 16          (5) If an emergency administrative regulation with the same number or title or  
17          governing the same subject matter as an emergency administrative regulation filed  
18          within the previous nine (9) months is filed, it shall contain a detailed explanation  
19          of the manner in which it differs from the previously filed emergency administrative  
20          regulation. The detailed explanation shall be included in the statement of emergency  
21          required by subsection (6) of this section.
- 22          (6) Each emergency administrative regulation shall contain a statement of:
- 23                  (a) The nature of the emergency;
- 24                  (b) The reasons why an ordinary administrative regulation is not sufficient;
- 25                  (c) Whether or not the emergency administrative regulation will be replaced by an  
26                  ordinary administrative regulation;
- 27                  (d) If the emergency administrative regulation will be replaced by an ordinary

1 administrative regulation, the following statement: "The ordinary  
2 administrative regulation (is or is not) identical to this emergency  
3 administrative regulation.";

4 (e) If the emergency administrative regulation will not be replaced by an ordinary  
5 administrative regulation, the reasons therefor; and

6 (f) If applicable, the explanation required by subsection (5) of this section.

7 (7) (a) An administrative body shall attach the:

8 1. Statement of emergency required by subsection (6) of this section to the  
9 front of the original and each copy of a proposed emergency  
10 administrative regulation; and

11 2. Regulatory impact analysis, tiering statement, federal mandate  
12 comparison, fiscal note, summary of material incorporated by  
13 reference if applicable, and other forms or documents required by  
14 the provisions of this chapter to the back of the emergency  
15 administrative regulation.

16 (b) An administrative body shall file with the regulations compiler:

17 1. The original and five (5) copies of the emergency administrative  
18 regulation; and

19 2. At the same time as, or prior to, filing the paper version, an electronic  
20 version of the emergency administrative regulation and the attachments  
21 required by paragraph (a) of this subsection saved as a single document  
22 for each emergency administrative regulation in an electronic format  
23 approved by the regulations compiler.

24 (c) The original and four (4) copies of each emergency administrative regulation  
25 shall be stapled in the top left corner. The fifth copy of each emergency  
26 administrative regulation shall not be stapled. The original and the five (5)  
27 copies of each emergency administrative regulation shall be grouped together.

- 1 (8) (a) If an emergency administrative regulation will not be replaced by an ordinary  
2 administrative regulation, the administrative body shall schedule a public  
3 hearing and public comment period pursuant to KRS 13A.270(1). The public  
4 hearing and public comment period information required by KRS 13A.270(2)  
5 shall be attached to the back of the emergency administrative regulation.
- 6 (b) If an emergency administrative regulation will be replaced by an ordinary  
7 administrative regulation:
- 8 1. The ordinary administrative regulation shall be filed at the same time as  
9 the emergency administrative regulation that will be replaced; and
  - 10 2. A public hearing and public comment period shall not be required for  
11 the emergency administrative regulation.
- 12 (9) The statement of emergency shall have a two (2) inch top margin. The number of  
13 the emergency administrative regulation shall be typed directly below the heading  
14 "Statement of Emergency." The number of the emergency administrative regulation  
15 shall be the same number as the ordinary administrative regulation followed by an  
16 "E."
- 17 (10) Each executive department emergency administrative regulation shall be signed by  
18 the head of the administrative body and countersigned by the Governor prior to  
19 filing with the Commission. These signatures shall be on the statement of  
20 emergency attached to the front of the emergency administrative regulation.
- 21 (11) (a) If an ordinary administrative regulation that was filed to replace an emergency  
22 administrative regulation is withdrawn, the emergency administrative  
23 regulation shall expire on the date the ordinary administrative regulation is  
24 withdrawn.
- 25 (b) If an ordinary administrative regulation that was filed to replace an emergency  
26 administrative regulation is withdrawn, the administrative body shall inform  
27 the regulations compiler of the reasons for withdrawal in writing.



- 1 (12) (a) If an emergency administrative regulation that was intended to be replaced by  
2 an ordinary administrative regulation is withdrawn, the emergency  
3 administrative regulation shall expire on the date it is withdrawn.
- 4 (b) If an emergency administrative regulation has been withdrawn, the ordinary  
5 administrative regulation that was filed with it shall not expire unless the  
6 administrative body informs the regulations compiler that the ordinary  
7 administrative regulation is also withdrawn.
- 8 (c) If an emergency administrative regulation is withdrawn, the administrative  
9 body shall inform the regulations compiler of the reasons for withdrawal in  
10 writing.
- 11 (13) A subcommittee may review an emergency administrative regulation and may  
12 recommend to the Governor that the administrative regulation be withdrawn.
- 13 ➔Section 5. KRS 13A.270 is amended to read as follows:
- 14 (1) (a) In addition to the public comment period required by paragraph (c) of this  
15 subsection, following publication in the Administrative Register of the text of  
16 an administrative regulation, the administrative body shall, unless authorized  
17 to cancel the hearing pursuant to subsection (7) of this section, hold a hearing,  
18 open to the public, on the administrative regulation.
- 19 (b) The public hearing shall not be held before the twenty-first day or later than  
20 the last workday of the month following the month in which the  
21 administrative regulation is published in the Administrative Register.
- 22 (c) The administrative body shall accept written comments regarding the  
23 administrative regulation during the comment period. The comment period  
24 shall begin on the date the administrative regulation is filed with the  
25 regulations compiler and shall run until 11:59 p.m. on the last day of the  
26 calendar month following the month in which the administrative regulation  
27 was published in the Administrative Register.

- 1 (2) Each administrative regulation shall state:
- 2 (a) The place, time, and date of the scheduled public hearing;
- 3 (b) The manner in which interested persons shall submit their:
- 4 1. Notification of attending the public hearing; and
- 5 2. Written comments;
- 6 (c) That notification of attending the public hearing shall be transmitted to the
- 7 administrative body no later than five (5) workdays prior to the date of the
- 8 scheduled public hearing;
- 9 (d) The deadline for submitting written comments regarding the administrative
- 10 regulation in accordance with subsection (1)(c) of this section; and
- 11 (e) The name, position, mailing address, e-mail address, and telephone and
- 12 facsimile numbers of the person to whom a notification and written comments
- 13 shall be transmitted.
- 14 (3) (a) A person who wishes to be notified that an administrative body has filed an
- 15 administrative regulation shall:
- 16 1. Contact the administrative body by telephone or written letter to request
- 17 that the administrative body send the information required by paragraph
- 18 (c) or (d) of this subsection to the person; or
- 19 2. Complete an electronic registration form located on a centralized state
- 20 government Web site developed and maintained by the Commonwealth
- 21 Office of Technology.
- 22 (b) A registration submitted pursuant to paragraph (a) of this subsection shall:
- 23 1. Indicate whether the person wishes to receive notification regarding:
- 24 a. All administrative regulations promulgated by an administrative
- 25 body; or
- 26 b. Each administrative regulation that relates to a specified subject
- 27 area. The subject areas shall be provided by the administrative

- 1                   bodies and shall be listed on the centralized state government Web  
2                   site in alphabetical order;
- 3           2.    Include a request for the person to provide an e-mail address in order to  
4           receive regulatory information electronically;
- 5           3.    Be valid for a period of four (4) years from the date the registration is  
6           submitted, or until the person submits a written request to be removed  
7           from the notification list, whichever occurs first; and
- 8           4.    Be transmitted to the promulgating administrative body, if the  
9           registration was made through the centralized state government Web  
10          site. The collected e-mail addresses shall be used solely for the purposes  
11          of this subsection and shall not be sold, transferred, or otherwise made  
12          available to third parties, other than the promulgating administrative  
13          body.
- 14          (c)   A copy of the administrative regulation as filed, and all attachments required  
15          by KRS 13A.230(1), shall be e-mailed:
- 16               1.    To every person who has:
- 17                   a.    Registered pursuant to paragraph (a) of this subsection; and  
18                   b.    Provided an e-mail address as part of the registration request;
- 19               2.    Within five (5) working days after the date the administrative regulation  
20               is filed with the Commission; and
- 21               3.    With a request from the administrative body that affected individuals,  
22               businesses, or other entities submit written comments that identify the  
23               anticipated effects of the proposed administrative regulation.
- 24          (d)   Within five (5) working days after the date the administrative regulation is  
25          filed with the Commission, the administrative body shall mail the following  
26          information to every person who has registered pursuant to paragraph (a) of  
27          this subsection but did not provide an e-mail address:

- 1           1. A cover letter from the administrative body requesting that affected
- 2           individuals, businesses, or other entities submit written comments that
- 3           identify the anticipated effects of the proposed administrative regulation;
- 4           2. A copy of the regulatory impact analysis required by KRS 13A.240
- 5           completed in detail sufficient to put the individual on notice as to the
- 6           specific contents of the administrative regulation, including all proposed
- 7           amendments to the administrative regulation; and
- 8           3. A statement that a copy of the administrative regulation may be obtained
- 9           from the Commission's Web site, which can be accessed on-line through
- 10          public libraries or any computer with Internet access. The Commission's
- 11          Web site address shall be included in the statement.
- 12          (e) An administrative body shall not be required to send a copy of an
- 13          administrative regulation that was amended after comments in accordance
- 14          with KRS 13A.280 to persons who have registered pursuant to paragraph (a)
- 15          of this subsection, unless the person requested a copy pursuant to KRS
- 16          13A.280(8).
- 17          (4) (a) If small business may be impacted by an administrative regulation, the
- 18          administrative body shall e-mail a copy of the administrative regulation as
- 19          filed, and all attachments required by KRS 13A.230(1), to the chief executive
- 20          officer of the Commission on Small Business Advocacy within one (1)
- 21          working day after the date the administrative regulation is filed with the
- 22          Commission.
- 23          (b) The e-mail shall include a request from the administrative body that the
- 24          Commission on Small Business Advocacy review the administrative
- 25          regulation in accordance with KRS 11.202(1)(e) and submit its report or
- 26          comments in accordance with the deadline established in subsection (1)(c) of
- 27          this section. A copy of the report shall be filed with the regulations compiler.

- 1 (c) An administrative body shall not be required to send a copy of an  
2 administrative regulation that was amended after comments in accordance  
3 with KRS 13A.280 to the Commission on Small Business Advocacy, unless  
4 its chief executive officer requested a copy pursuant to KRS 13A.280(8).
- 5 (5) (a) If a local government may be impacted by an administrative regulation, the  
6 administrative body shall send, by e-mail if the local government has an e-  
7 mail address, a copy of the administrative regulation as filed and all  
8 attachments required by KRS 13A.230(1) to each local government in the  
9 state within one (1) working day after the date the administrative regulation is  
10 filed with the Commission. If the local government does not have an e-mail  
11 address, the material shall not be sent.
- 12 (b) The e-mail shall include a request from the administrative body that the local  
13 government review the administrative regulation in the same manner as would  
14 the Commission on Small Business Advocacy under KRS 11.202(1)(e), and  
15 submit its report or comments in accordance with the deadline established in  
16 subsection (1)(c) of this section. A copy of the report or comments shall be  
17 filed with the regulations compiler.
- 18 (c) An administrative body shall not be required to send a copy of an  
19 administrative regulation that was amended after comments in accordance  
20 with KRS 13A.280 to a local government, unless its contact person requested  
21 a copy pursuant to KRS 13A.280(8).
- 22 (6) Persons desiring to be heard at the hearing shall notify the administrative body in  
23 writing as to their desire to appear and testify at the hearing not less than five (5)  
24 workdays before the scheduled date of the hearing.
- 25 (7) The administrative body shall immediately notify the regulations compiler by letter  
26 if:
- 27 (a) No written notice of intent to attend the public hearing is received by the

- 1 administrative body at least five (5) workdays before the scheduled hearing,  
2 and it chooses to cancel the public hearing; and
- 3 (b) No written comments have been received by the close of the last day of the  
4 public comment period.
- 5 (8) (a) 1. Upon receipt from interested persons of their intent to attend a public  
6 hearing, the administrative body shall notify the regulations compiler by  
7 letter that the public hearing shall be held.
- 8 2. If the public hearing is held but no comments are received during the  
9 hearing, the administrative body shall notify the regulations compiler by  
10 letter that the public hearing was held and that no comments were  
11 received.
- 12 (b) Upon receipt of written comments, the administrative body shall notify the  
13 regulations compiler by letter that written comments have been received.
- 14 (9) If the notifications required by subsections (7) and (8) of this section are not  
15 received by the regulations compiler by close of business on the second workday of  
16 the calendar month following the end of the public comment period, the  
17 administrative regulation shall be deferred to the next regularly scheduled meeting  
18 of the subcommittee.
- 19 (10) The notifications required by subsections (7) and (8) of this section shall be made  
20 by letter. The letter may be sent by e-mail if the administrative body uses an  
21 electronic signature and letterhead for the e-mailed document.
- 22 (11) Every hearing shall be conducted in such a manner as to guarantee each person who  
23 wishes to offer comment a fair and reasonable opportunity to do so, whether or not  
24 such person has given the notice contemplated by subsection (6) of this section. No  
25 transcript need be taken of the hearing, unless a written request for a transcript is  
26 made, in which case the person requesting the transcript shall have the  
27 responsibility of paying for same. A recording may be made in lieu of a transcript

1 under the same terms and conditions as a transcript. This section shall not preclude  
2 an administrative body from making a transcript or making a recording if it so  
3 desires.

4 (12) Nothing in this section shall be construed as requiring a separate hearing on each  
5 administrative regulation. Administrative regulations may be grouped at the  
6 convenience of the administrative body for purposes of hearings required by this  
7 section.

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

9 (1) Following the last day of the comment period, the administrative body shall give  
10 consideration to all comments received at the public hearing and all written  
11 comments received during the comment period, including any report filed by the  
12 Commission on Small Business Advocacy in accordance with KRS 11.202(1)(e)  
13 and 13A.270(4), or by a local government in accordance with KRS 11.202(1)(e) and  
14 13A.270(5).

15 (2) (a) Except as provided in paragraph (b) of this subsection, the administrative  
16 body shall file with the commission on or before 12 noon, eastern time, on the  
17 fifteenth day of the calendar month following the **end of the public comment**  
18 **period**~~[month of publication]~~ the statement of consideration relating to the  
19 administrative regulation and, if applicable, the amended after comments  
20 version.

21 (b) If the administrative body has received a significant number of public  
22 comments, it may extend the time for filing the statement of consideration  
23 and, if applicable, the amended after comments version by notifying the  
24 regulations compiler in writing on or before 12 noon, eastern time, on the  
25 fifteenth day of the calendar month following the **end of the public comment**  
26 **period**~~[month of publication]~~. The administrative body shall file the statement  
27 of consideration and, if applicable, the amended after comments version, with

1 the Commission on or before 12 noon, eastern time, no later than the fifteenth  
2 day of the second calendar month following the end of the public comment  
3 period~~[month of publication]~~.

4 (3) (a) If the administrative regulation is amended as a result of the hearing or written  
5 comments received, the administrative body shall forward the items specified  
6 in this paragraph to the regulations compiler by 12 noon, eastern time, on the  
7 applicable deadline specified in subsection (2) of this section:

8 1. The original and five (5) copies of the administrative regulation  
9 indicating any amendments in the original wording resulting from  
10 comments received at the public hearing and during the comment  
11 period;

12 2. The original and five (5) copies of the statement of consideration as  
13 required by subsection (2) of this section, attached to the back of the  
14 original and each copy of the administrative regulation; and

15 3. The regulatory impact analysis, tiering statement, federal mandate  
16 comparison, or fiscal note on local government. These documents shall  
17 reflect changes resulting from amendments made after the public  
18 hearing.

19 (b) The original and four (4) copies of the amended after comments version, the  
20 statement of consideration, and the attachments required by paragraph (a)3. of  
21 this subsection shall be stapled in the top left corner. The fifth copy shall not  
22 be stapled.

23 (c) At the same time as, or prior to, filing the paper version, the administrative  
24 body shall file an electronic version of the amended after comments version,  
25 the statement of consideration, and the required attachments saved as a single  
26 document for each amended after comments administrative regulation in an  
27 electronic format approved by the regulations compiler.



- 1 (4) (a) If the administrative regulation is not amended as a result of the public  
2 hearing, or written comments received, the administrative body shall file the  
3 original and five (5) copies of the statement of consideration with the  
4 regulations compiler by 12 noon, eastern time, on the deadline established in  
5 subsection (2) of this section. The original and four (4) copies of the statement  
6 of consideration shall be stapled in the top left corner. The fifth copy of each  
7 statement of consideration shall not be stapled.
- 8 (b) If the statement of consideration covers multiple administrative regulations, as  
9 authorized by subsection (6)(g) of this section, the administrative body shall  
10 file with the regulations compiler:
- 11 1. The original and five (5) copies of the statement of consideration as  
12 required by paragraph (a) of this subsection; and
  - 13 2. Two (2) additional unstapled copies of the statement of consideration for  
14 each additional administrative regulation included in the group of  
15 administrative regulations.
- 16 (c) At the same time as, or prior to, filing the paper version, the administrative  
17 body shall file an electronic version of the statement of consideration saved as  
18 a single document for each statement of consideration in an electronic format  
19 approved by the regulations compiler.
- 20 (5) If comments are received either at the public hearing or during the public comment  
21 period, the administrative regulation shall be deferred to the next regularly  
22 scheduled meeting of the subcommittee following the month in which the statement  
23 of consideration is due.
- 24 (6) The format for the statement of consideration shall be as follows:
- 25 (a) The statement shall be typewritten on white paper, size eight and one-half (8-  
26 1/2) by eleven (11) inches. Copies of the statement may be mechanically  
27 reproduced;

- 1 (b) The first page of the statement of consideration shall have a two (2) inch top  
2 margin;
- 3 (c) The heading of the statement shall consist of the words "STATEMENT OF  
4 CONSIDERATION RELATING TO" followed by the number of the  
5 administrative regulation that was the subject of the public hearing and  
6 comment period and the name of the promulgating administrative body. The  
7 heading shall be centered. This shall be followed by the words "Not Amended  
8 After Comments" or "Amended After Comments," whichever is applicable;
- 9 (d) If a hearing has been held or written comments received, the heading is to be  
10 followed by:
- 11 1. A statement setting out the date, time and place of the hearing, if the  
12 hearing was held;
  - 13 2. A list of those persons who attended the hearing or who submitted  
14 comments and the organization, agency, or other entity represented, if  
15 applicable; and
  - 16 3. The name and title of the representative of the promulgating  
17 administrative body;
- 18 (e) Following the general information, the promulgating administrative body shall  
19 summarize the comments received at the public hearing and during the  
20 comment period and the response of the promulgating administrative body.  
21 Each subject commented upon shall be summarized in a separate numbered  
22 paragraph. Each numbered paragraph shall contain two (2) subsections:
- 23 1. Subsection (a) shall be labeled "Comment," shall identify the name of  
24 the person, and the organization represented if applicable, who made the  
25 comment, and shall contain a summary of the comment; and
  - 26 2. Subsection (b) shall be labeled "Response" and shall contain the  
27 response to the comment by the promulgating administrative body;

- 1 (f) Following the summary and comments, the promulgating administrative body  
2 shall:
- 3 1. Summarize the statement and the action taken by the administrative  
4 body as a result of comments received at the public hearing and during  
5 the comment period; and
- 6 2. If amended after the comment period, list the changes made to the  
7 administrative regulation in the format prescribed by KRS  
8 13A.320(2)(c) and (d); and
- 9 (g) If administrative regulations were considered as a group at a public hearing,  
10 one (1) statement of consideration may include the group of administrative  
11 regulations. If a comment relates to one (1) or more of the administrative  
12 regulations in the group, the summary of the comment and response shall  
13 specify each administrative regulation to which it applies.
- 14 (7) If the administrative regulation is amended pursuant to subsection (3) of this  
15 section, the full text of the administrative regulation shall be published in the  
16 Administrative Register. The changes made to the administrative regulation shall be  
17 typed in bold and made in the format prescribed by KRS 13A.222(2). The  
18 administrative regulation shall be reviewed by the Administrative Regulation  
19 Review Subcommittee after such publication.
- 20 (8) If requested, copies of the statement of consideration and, if applicable, the  
21 amended after comments version of the administrative regulation shall be made  
22 available by the promulgating administrative body to persons attending the hearing  
23 or submitting comments or who specifically request a copy from the administrative  
24 body.
- 25 ➔Section 7. KRS 13A.290 is amended to read as follows:
- 26 (1) (a) Except as provided by KRS 158.6471 and 158.6472, the Administrative  
27 Regulation Review Subcommittee shall meet monthly to review

1 administrative regulations prior to close of business on the fifteenth day of the  
2 calendar month.

3 (b) The agenda shall:

4 1. Include each administrative regulation that **completed the public**  
5 **comment process**~~[was published in the prior month's Administrative~~  
6 ~~Register not including the administrative regulations published in the~~  
7 ~~"As Amended" section];~~

8 2. Include each administrative regulation for which a statement of  
9 consideration was received on or before 12 noon, eastern time, on the  
10 fifteenth day of the prior calendar month;

11 3. **Include each effective administrative regulation that the subcommittee**  
12 **has decided to review;**

13 **4.** Include each administrative regulation that was deferred from the prior  
14 month's meeting of the subcommittee; and

15 **5.**~~[4.]~~ Not include an administrative regulation that is deferred, withdrawn,  
16 expired, or automatically taken off the agenda under the provisions of  
17 this chapter.

18 (c) Review of an administrative regulation shall include the entire administrative  
19 regulation and all attachments filed with the administrative regulation. The  
20 review of amendments to existing administrative regulations shall not be  
21 limited to only the changes proposed by the promulgating administrative  
22 body.

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

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

26 (4) **(a)** A representative of the administrative body **for an**~~[promulgating the]~~  
27 administrative regulation under consideration shall be present to explain the

1 administrative regulation and to answer questions thereon.

2 **(b)** If a representative of the administrative body with authority to amend **a**  
 3 **filed**~~the~~ administrative regulation is not present at the subcommittee  
 4 meeting, the administrative regulation shall be deferred to the next regularly  
 5 scheduled meeting of the subcommittee.

6 **(c) If a representative of an administrative body for an effective administrative**  
 7 **regulation fails to appear before the subcommittee, the subcommittee may:**

8 **1. Defer the administrative regulation to the next regularly scheduled**  
 9 **meeting of the subcommittee; or**

10 **2. Make a nonbinding determination pursuant to subsections (2), (3),**  
 11 **and (4) of Section 2 of this Act.**

12 (5) Following the meeting and before the next regularly scheduled meeting of the  
 13 Commission, the Administrative Regulation Review Subcommittee shall forward to  
 14 the Commission its findings, recommendations, or other comments it deems  
 15 appropriate in writing. The Administrative Regulation Review Subcommittee shall  
 16 also forward to the Commission its findings, recommendations, or other comments  
 17 it deems appropriate on an **effective**~~existing~~ administrative regulation it has  
 18 reviewed. The Administrative Regulation Review Subcommittee's findings shall be  
 19 published in the Administrative Register.

20 (6) (a) After review by the Administrative Regulation Review Subcommittee, the  
 21 Commission shall, on the first Wednesday of the following month, or if the  
 22 first Wednesday is a legal holiday, the next workday of the month, assign **a**  
 23 **filed**~~the~~ administrative regulation to:

24 1. An interim joint committee **with subject matter**~~of appropriate~~  
 25 ~~jurisdiction over the subject matter of the administrative regulation]; or~~

26 2. **The**~~During a session of the General Assembly, the House of~~  
 27 ~~Representatives and] Senate **and House** standing committees **with**~~

1                    ~~*subject matter*~~ [of appropriate] jurisdiction [over the subject matter of  
2                    the administrative regulation].

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

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

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

9            (7) (a) Within ~~*thirty (30)*~~ ***ninety (90)*** days of the assignment, the subcommittee may  
10            hold a public meeting during which the administrative regulation shall be  
11            reviewed.

12            (b) If the ~~*thirtieth*~~ ***ninetieth*** day of the assignment falls on a Saturday, Sunday, or  
13            holiday, the deadline for review shall be the workday following the Saturday,  
14            Sunday, or holiday.

15            (c) 1. *If the administrative regulation is assigned to an interim joint*  
16                    *committee and a session of the General Assembly begins during the*  
17                    *review period, the assignment shall transfer to the Senate and House*  
18                    *standing committees with subject matter jurisdiction.*

19                    2. *If the administrative regulation is assigned to Senate and House*  
20                    *standing committees and a session of the General Assembly adjourns*  
21                    *sine die during the review period, the assignment shall transfer to the*  
22                    *interim joint committee with subject matter jurisdiction.*

23                    3. *An administrative regulation may be transferred more than one (1)*  
24                    *time under this paragraph. A transfer shall not extend the review*  
25                    *period established by this subsection.*

26            (d) ~~[The subcommittee may also review an existing administrative regulation and~~  
27            ~~make a determination as provided by KRS 13A.030(2) and (3).] Notice of the~~

1 time, date, and place of the meeting shall be placed in the legislative calendar.

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

5 (9) (a) **This subsection shall apply to administrative regulations filed with the**  
6 **Commission.**

7 **(b)** A majority of the entire membership of the subcommittee to which an  
8 administrative regulation is referred pursuant to subsection (6)(a) of this  
9 section shall constitute a quorum for purposes of reviewing administrative  
10 regulations.

11 ~~(c)(b)~~ In order to amend an administrative regulation pursuant to KRS  
12 13A.320, **defer an administrative regulation pursuant to Section 8 of this**  
13 **Act,** or ~~to~~ find an administrative regulation deficient pursuant to KRS  
14 13A.030(2), ~~and~~ (3), **and (4),** the motion to amend, **defer,** or find deficient  
15 shall be approved by a majority of the entire membership of the  
16 subcommittee. Additionally, during a session of the General Assembly,  
17 standing committees of the Senate and House of Representatives shall agree in  
18 order to amend an administrative regulation, **defer an administrative**  
19 **regulation,** or ~~to~~ find an administrative regulation deficient ~~pursuant to~~  
20 ~~KRS 13A.030(2) and (3)~~ by:

- 21 1. Meeting separately; or
- 22 2. Meeting jointly. If the standing committees meet jointly, it shall require  
23 a majority vote of Senate members voting and a majority of House  
24 members voting, as well as the majority vote of the entire membership  
25 of the standing committees meeting jointly, in order to take action on the  
26 administrative regulation.

27 (10) (a) **The quorum requirements of subsection (9)(b) of this section shall apply to**

1 *an effective administrative regulation under review by a subcommittee.*

2 *(b) A motion to find an effective administrative regulation deficient shall be*  
 3 *approved by:*

4 *1. A majority of the entire membership of the Administrative Regulation*  
 5 *Review Subcommittee;*

6 *2. A majority of a House or Senate standing committee; or*

7 *3. A joint standing committee in accordance with subsection (9)(c)2. of*  
 8 *this section.*

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

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

18 ➔Section 8. KRS 13A.300 is amended to read as follows:

19 (1) The administrative body that promulgated an administrative regulation may request  
 20 that consideration of the administrative regulation be deferred by the subcommittee.

21 (2) The deferral of an administrative regulation scheduled for review by the  
 22 Administrative Regulation Review Subcommittee shall be governed by the  
 23 following:

24 (a) A request for deferral *of an administrative regulation filed with the*  
 25 *Commission* shall be automatically granted if:

26 1. The administrative body submits a written letter to the regulations  
 27 compiler; and



- 1           2. The letter is received prior to the subcommittee meeting;
- 2           (b) *A request for deferral of an effective administrative regulation may be*  
3           *granted if:*  
4           *1. The administrative body submits a written letter to the regulations*  
5           *compiler;*  
6           *2. The letter is received prior to the subcommittee meeting; and*  
7           *3. Approved by the co-chairs of the Administrative Regulation Review*  
8           *Subcommittee;*
- 9           (c) A request for deferral may be granted at the discretion of the subcommittee if  
10           the request is made by the administrative body orally at a meeting of the  
11           subcommittee;
- 12           ~~(d)(e)~~ The subcommittee may request that consideration of an administrative  
13           regulation be deferred by the promulgating administrative body. Upon receipt  
14           of the request, the promulgating administrative body may agree to defer  
15           consideration of the administrative regulation;
- 16           ~~(e)(d)~~ Except as provided in paragraph ~~(f)(e)~~ of this subsection, an  
17           administrative regulation that has been deferred shall be placed on the agenda  
18           of the next scheduled meeting of the subcommittee. *If it is an administrative*  
19           *regulation filed with the Commission,* the subcommittee shall consider the  
20           administrative regulation as if it had met all other requirements of filing.  
21           Repromulgation shall not be required in those cases; and
- 22           ~~(f)(e)~~ An administrative regulation shall not be deferred under this subsection  
23           more than twelve (12) times.
- 24           (3) (a) The deferral of *a filed*~~an~~ administrative regulation referred to a second  
25           committee *or committees* pursuant to *subsections (6) and (7) of Section 7 of*  
26           *this Act*~~[subsection KRS 13A.290(6)(a)]~~ shall be governed by *this*  
27           *subsection.*~~[the following:]~~

1 ~~(b)(a)~~ ~~[Except as provided in paragraphs (c), (d), and (e) of this subsection:]~~

- 2 1. A request for deferral shall be automatically granted if:
- 3 a. The administrative body submits a written letter to the regulations
- 4 compiler; and
- 5 b. The letter is received prior to the committee meeting;
- 6 2. A request for deferral may be granted at the discretion of the second
- 7 committee if the request is made by the administrative body orally at a
- 8 meeting of the committee; and
- 9 3. The committee may request that consideration of an administrative
- 10 regulation be deferred by the promulgating administrative body. Upon
- 11 receipt of the request, the promulgating administrative body may agree
- 12 to defer consideration of the administrative regulation.~~;~~

13 ~~(c)(b)~~ 1. An administrative regulation that is deferred ~~may~~~~shall~~ be placed

14 on a subsequent~~the~~ agenda of the committee or committees within the

15 review period.

16 2. Unless~~next scheduled meeting of the committee. If the committee does~~

17 ~~not have a meeting scheduled during the following calendar month,~~ the

18 deferred administrative regulation is placed on a subsequent agenda

19 within the review period, the administrative regulation shall take effect

20 at the expiration of the review period.

21 (4) The deferral of an effective administrative regulation under review by a

22 subcommittee shall be governed by this subsection.

23 (a) A request for deferral may be granted if:

- 24 1. The administrative body submits a written letter to the regulations
- 25 compiler;
- 26 2. The letter is received prior to the subcommittee meeting; and
- 27 3. Approved by the presiding chair or chairs.

1 (b) A request for deferral may be granted at the discretion of the subcommittee  
 2 if the request is made by the administrative body orally at a meeting of the  
 3 subcommittee.

4 (c) The subcommittee may request that consideration of an administrative  
 5 regulation be deferred by the administrative body. Upon receipt of the  
 6 request, the administrative body may agree to defer consideration of the  
 7 administrative regulation.

8 (d) An administrative regulation that is deferred may be placed on a subsequent  
 9 agenda of the subcommittee~~[on the last workday of the calendar month~~  
 10 ~~following the month in which the administrative regulation is deferred;~~

11 ~~(e) An administrative regulation shall not be deferred from the final scheduled~~  
 12 ~~meeting of an interim joint committee to which the administrative regulation~~  
 13 ~~was referred pursuant to KRS 13A.290(6)(a)1.;~~

14 ~~(d) An administrative regulation shall not be deferred from the final scheduled~~  
 15 ~~meeting of a standing committee to which the administrative regulation was~~  
 16 ~~referred pursuant to KRS 13A.290(6)(a)2.; and~~

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

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

21 (1) Except as provided in KRS 13A.3102 and 13A.3104, an administrative regulation,  
 22 once adopted, cannot be withdrawn but shall be repealed if it is desired that it no  
 23 longer be effective.

24 (2) Except as provided in KRS 13A.3102 and 13A.3104, an administrative regulation,  
 25 once adopted, cannot be suspended but shall be repealed if it is desired to suspend  
 26 its effect.

27 (3) (a) An administrative regulation shall be repealed only by the promulgation of an

1 administrative regulation that:

- 2 1. Is titled "Repeal of (state number of administrative regulation to be  
3 repealed)";
- 4 2. Contains the reasons for repeal in the "NECESSITY, FUNCTION, AND  
5 CONFORMITY" paragraph;
- 6 3. Includes in the body of the administrative regulation, a citation to the  
7 number and title of the administrative regulation or regulations being  
8 repealed; and
- 9 4. Meets the filing and formatting requirements of KRS 13A.220.

10 (b) 1. Except as provided in subparagraph 2. of this paragraph, on the effective  
11 date of an administrative regulation that repeals an administrative  
12 regulation, determined in accordance with KRS 13A.330 or 13A.331,  
13 the regulations compiler shall delete the repealed administrative  
14 regulation and the repealing administrative regulation from the  
15 Kentucky Administrative Regulations Service.

16 2. If the repealing administrative regulation specifies an effective date that  
17 is after the administrative regulation would become effective pursuant to  
18 KRS 13A.330 or 13A.331, the specified effective date shall be  
19 considered the effective date of the repealing administrative regulation.  
20 On the specified effective date, the regulations compiler shall delete the  
21 repealed administrative regulation and the repealing administrative  
22 regulation from the Kentucky Administrative Regulations Service.

23 (c) An administrative body may repeal more than one (1) administrative  
24 regulation in an administrative regulation promulgated pursuant to paragraph  
25 (a) of this subsection if the administrative regulations being repealed are  
26 contained in the same chapter of the Kentucky Administrative Regulations  
27 Service.

- 1 (4) (a) An ordinary administrative regulation may be withdrawn by the promulgating  
2 administrative body at any time prior to its adoption.
- 3 (b) An ordinary administrative regulation that has been found deficient may be  
4 withdrawn by the promulgating administrative body at any time prior to  
5 receipt by the regulations compiler of the determination of the Governor made  
6 pursuant to KRS 13A.330~~[or 13A.331]~~ or may be withdrawn by the  
7 Governor.
- 8 (c) If an ordinary administrative regulation is withdrawn, the administrative body  
9 or the Governor shall inform the regulations compiler of the reasons for  
10 withdrawal in writing.
- 11 (5) Once an ordinary administrative regulation is withdrawn, it shall not be reinstated,  
12 except by repromulgation as a totally new matter.
- 13 ➔Section 10. KRS 13A.3102 is amended to read as follows:
- 14 (1) An ordinary administrative regulation with a last effective date on or after March 1,  
15 2013~~[July 1, 2012]~~, shall expire seven (7) years after its last effective date, except as  
16 provided by the certification process in KRS 13A.3104.
- 17 (2) An ordinary administrative regulation with a last effective date before March 1,  
18 2013~~[July 1, 2012]~~, shall expire on March 1, 2020~~[July 1, 2019]~~, except as  
19 provided by the certification process in KRS 13A.3104.
- 20 (3) For all administrative regulations that expire under this section or KRS 13A.3104,  
21 the regulations compiler shall:
- 22 (a) Delete them from the Kentucky Administrative Regulations Service;
- 23 (b) Add them to the list of ineffective administrative regulations; and
- 24 (c) Beginning on September~~[January]~~ 1, 2020, and at least once every six (6)  
25 months thereafter, publish a list of administrative regulations that have  
26 expired since the most recent previous list was published under this  
27 paragraph.

1 (4) Within three (3) months of the effective date of this Act~~[June 29, 2017]~~, and at least  
 2 once every six (6) months thereafter, the regulations compiler shall publish a list of  
 3 existing administrative regulations and their corresponding last effective dates.

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

5 (1) If an administrative body does not want an administrative regulation to expire under  
 6 KRS 13A.3102, the administrative body shall:

7 (a) Review the administrative regulation in its entirety for compliance with~~[the~~  
 8 ~~requirements of KRS Chapter 13A and]~~ current law governing the subject  
 9 matter of the administrative regulation;~~[and]~~

10 (b) Prior to the expiration date, file a certification letter with the regulations  
 11 compiler stating whether the administrative regulation shall be amended or  
 12 remain in effect without amendment; and

13 (c) Not be required to consider KRS Chapter 13A drafting and formatting  
 14 requirements as part of its review.

15 (2) The certification letter shall be on the administrative body's official letterhead, in  
 16 the format prescribed by the regulations compiler, and include the following  
 17 information:

18 (a) The name of the administrative body;

19 (b) The number of the administrative regulation;

20 (c) The title of the administrative regulation;

21 (d) A statement that:

22 1. The administrative body shall be amending the administrative  
 23 regulation; or

24 2. The administrative regulation shall remain in effect without amendment;  
 25 and

26 (e) A brief statement in support of the decision.

27 (3) (a) If the certification letter was filed pursuant to subsection (1)(b) of this section,

1           stating that the administrative regulation shall be amended, the administrative  
2           body shall file an amendment to the administrative regulation in accordance  
3           with KRS Chapter 13A within eighteen (18) months of the date the  
4           certification letter was filed.

5           (b) If the amendment was filed in accordance with paragraph (a) of this  
6           subsection:

7                 1. The administrative regulation shall not expire if it is continuing through  
8                 the administrative regulations process; or

9                 2. The administrative regulation shall expire on the date the amendment is  
10                withdrawn or otherwise ceases going through the administrative  
11                regulations process.

12           (c) Once the amendment is effective, the regulations compiler shall update the  
13           last effective date for that administrative regulation to reflect the amendment's  
14           effective date.

15           (4) If the certification letter was filed pursuant to subsection (1)(b) of this section,  
16           stating that the administrative regulation shall remain in effect without amendment,  
17           the regulations compiler shall:

18                 (a) Update the administrative regulation's history line to state that a certification  
19                 letter was received; and

20                 (b) Change the last effective date of the administrative regulation to the date the  
21                 certification letter was received.

22           (5) If filed by the deadline established in KRS 13A.050(3), the regulations compiler  
23           shall publish in the Administrative Register of Kentucky each certification letter  
24           received:

25                 (a) In summary format; or

26                 (b) In its entirety.

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

- 1 (1) An administrative regulation shall expire and shall not be reviewed by a legislative  
2 subcommittee if:
- 3 (a) It has not been reviewed or approved by the official or administrative body  
4 with authority to review or approve;
- 5 (b) The statement of consideration and, if applicable, the amended after  
6 comments version are not filed on or before a deadline specified by this  
7 chapter;
- 8 (c) The administrative body has failed to comply with the provisions of this  
9 chapter governing the filing of administrative regulations, the public hearing  
10 and public comment period, or the statement of consideration; or
- 11 (d) The administrative regulation is deferred pursuant to KRS 13A.300(2) more  
12 than twelve (12) times.
- 13 (2) (a) An administrative regulation that has been found deficient by a subcommittee  
14 shall be withdrawn immediately if, pursuant to KRS 13A.330~~[or 13A.331]~~,  
15 the Governor has determined that it shall be withdrawn.
- 16 (b) The Governor shall notify the regulations compiler in writing and by  
17 telephone that he or she has determined that the administrative regulation  
18 found deficient shall be withdrawn.
- 19 (c) The written withdrawal of an administrative regulation governed by the  
20 provisions of this subsection shall be made in a letter to the regulations  
21 compiler in the following format: "Pursuant to **Section 13 of this Act**~~[KRS~~  
22 ~~(13A.330(2)(b) or 13A.331(2)(b), whichever is applicable)]~~, I have  
23 determined that (administrative regulation number and title) shall be  
24 (withdrawn, or withdrawn and amended to conform to the finding of  
25 deficiency, as applicable). The administrative regulation, (administrative  
26 regulation number and title), is hereby withdrawn."
- 27 (d) An administrative regulation governed by the provisions of this subsection



1 shall be considered withdrawn upon receipt by the regulations compiler of the  
2 written withdrawal.

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

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

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

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

10 1. ~~The administrative regulation is on the agenda of the subcommittee~~  
11 ~~meeting;~~

12 2. ~~A quorum of the subcommittee is present; and~~

13 3. ~~The subcommittee:~~

14 a. ~~Considers the administrative regulation; or~~

15 b. ~~Fails to consider the administrative regulation and fails to agree to~~  
16 ~~defer its consideration of the administrative regulation; or~~

17 ~~(b) If a subcommittee fails to meet within thirty (30) days of assignment of an~~  
18 ~~administrative regulation as provided in KRS 13A.290(7), or does not place~~  
19 ~~the administrative regulation on the agenda of a meeting held within thirty~~  
20 ~~(30) days of the referral of the administrative regulation to it by the~~  
21 ~~Commission, at the expiration of the thirty (30) day period.~~

22 ~~(2)~~ If a filed~~[an]~~ administrative regulation has been found deficient, the~~[by a~~  
23 ~~legislative subcommittee, the legislative]~~ subcommittee shall transmit to the  
24 Governor and the regulations compiler:

25 1.(a) A copy of the~~[its]~~ finding of deficiency and other relevant  
26 findings, recommendations, or comments~~[it deems appropriate]; and~~

27 2.(b) A request that the Governor determine whether the administrative

1 regulation shall:

2 a.~~[1.]~~ Be withdrawn;

3 b.~~[2.]~~ Be~~[ withdrawn and]~~ amended at a subcommittee meeting  
4 pursuant to KRS 13A.320 to conform to the finding of deficiency;

5 or

6 c.~~[3.]~~ Become effective pursuant to the provisions of this section  
7 notwithstanding the finding of deficiency.

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

11 ~~(b)~~~~[(4)]~~ The Governor shall transmit his or her determination to the Commission  
12 and the regulations compiler.

13 ~~(c)~~~~[(5)]~~ A filed~~[An]~~ administrative regulation that has been found deficient~~[by a~~  
14 ~~legislative subcommittee]~~ shall be considered as adopted and become  
15 effective after:

16 1. a.~~[(a)1.]~~ The review period established in this chapter has been  
17 completed~~[subcommittee of appropriate jurisdiction to which an~~  
18 ~~administrative regulation was assigned pursuant to KRS~~  
19 ~~13A.290(6) has:~~

20 a. ~~Considered the administrative regulation;~~

21 b. ~~Failed to consider the administrative regulation and failed to agree~~  
22 ~~to defer its consideration of the administrative regulation; or~~

23 c. ~~Failed to meet within thirty (30) days of such assignment]; and~~

24 b.~~[2.]~~ The regulations compiler has received the Governor's  
25 determination that the administrative regulation shall become  
26 effective pursuant to the provisions of this section notwithstanding  
27 the finding of deficiency; or

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

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

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

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

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

15          **(1)(a)** Upon adjournment **of a meeting of an interim joint committee if:**

16                 **(a) The administrative regulation was on the meeting agenda; and**

17                 **(b) A quorum was present;**

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

19                 **(a) The administrative regulation was on the meeting agenda; and**

20                 **(b) A quorum was present;**

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

22                 **(a) The administrative regulation was on its meeting agenda;**

23                 **(b) A quorum was present; and**

24                 **(c) The administrative regulation has previously been on a meeting agenda of**  
 25                 **the other standing committee when a quorum was present**~~on the day the~~

26                 ~~second standing committee meets to consider the administrative regulation~~  
 27                 ~~pursuant to KRS 13A.290 if:~~

- 1           1.—The administrative regulation is on the agenda of the standing committee  
2           meeting;
- 3           2.—A quorum of the standing committee is present;
- 4           3.—The standing committee:
- 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; and
- 8           4.—Pursuant to KRS 13A.290(9), the decision of the standing committee to  
9           amend the administrative regulation is the same as the decision of the  
10          corresponding standing committee of the other chamber to amend the  
11          administrative regulation;
- 12          (b) Upon adjournment on the day the standing committee meeting jointly meets to  
13          consider the administrative regulation pursuant to KRS 13A.290 if:
- 14          1.—The administrative regulation is on the agenda of the joint standing  
15          committee meeting;
- 16          2.—A quorum of the joint standing committee is present;
- 17          3.—The joint standing committee meeting:
- 18          a.—Considers the administrative regulation; or
- 19          b.—Fails to consider the administrative regulation and fails to agree to  
20          defer its consideration of the administrative regulation]; or
- 21          ~~(4)(e)~~ *At the expiration of the review period established in subsection (7) of*  
22          *Section 7 of this Act, if within the review period a subcommittee has*  
23          *failed*~~[standing committee fails]~~ to meet *or failed to*~~[within thirty (30) days of~~  
24          assignment of an administrative regulation as provided in KRS 13A.290, or does  
25          not] place *a filed*~~[the]~~ administrative regulation on *a meeting*~~[the]~~ agenda~~[of a~~  
26          meeting held within thirty (30) days of the referral of the administrative regulation  
27          to it by the Commission, at the expiration of the thirty (30) day period].

- 1 ~~[(2) If an administrative regulation has been found deficient by both standing~~  
2 ~~committees, or by the standing committees meeting jointly, the standing~~  
3 ~~committees, or the standing committees meeting jointly shall transmit to the~~  
4 ~~Governor:~~
- 5 ~~(a) A copy of its finding of deficiency and other findings, recommendations, or~~  
6 ~~comments it deems appropriate; and~~
- 7 ~~(b) A request that the Governor determine whether the administrative regulation~~  
8 ~~shall:~~
- 9 ~~1. Be withdrawn;~~  
10 ~~2. Be withdrawn and amended to conform to the finding of deficiency; or~~  
11 ~~3. Become effective pursuant to the provisions of this section~~  
12 ~~notwithstanding the finding of deficiency.~~
- 13 ~~(3) If an administrative regulation has been found deficient by the standing committees~~  
14 ~~or by the standing committees meeting jointly, the standing committees or standing~~  
15 ~~committees meeting jointly shall transmit copies of its transmittal to the Governor~~  
16 ~~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 the Administrative~~  
20 ~~Regulation Review Subcommittee, the standing committees or by the standing~~  
21 ~~committees meeting jointly shall be considered as adopted and become effective~~  
22 ~~after:~~
- 23 ~~(a) 1. The standing committees of appropriate jurisdiction to which an~~  
24 ~~administrative regulation was assigned pursuant to KRS 13A.290 has:~~
- 25 ~~a. Considered the administrative regulation;~~  
26 ~~b. Failed to consider the administrative regulation and failed to agree~~  
27 ~~to defer its consideration of the administrative regulation; or~~

- 1                   e. ~~Failed to meet within thirty (30) days of such assignment; and~~  
 2                   2. ~~The regulations compiler has received the Governor's determination that~~  
 3                   the administrative regulation shall become effective pursuant to the  
 4                   provisions of this section notwithstanding the finding of deficiency; or
- 5                   (b) ~~The subcommittee, standing committees, or standing committees meeting~~  
 6                   jointly that found the administrative regulation deficient subsequently  
 7                   determines that the administrative regulation is not deficient, provided that  
 8                   this determination was made prior to receipt by the regulations compiler of the  
 9                   Governor's determination.]

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

- 11           (1) (a) A filed~~[An]~~ administrative regulation found deficient by a subcommittee shall  
 12           not be considered deficient if:

13                   1.~~[(a)]~~ A subsequent amendment of that administrative regulation is filed  
 14                   with the Commission by the administrative body;

15                   2.~~[(b)]~~ The subcommittee that found the administrative regulation  
 16                   deficient approves a motion that the subsequent amendment corrects the  
 17                   deficiency; and

18                   3.~~[(c)]~~ Any subcommittee that reviews the administrative regulation  
 19                   under the provisions of KRS Chapter 13A finds that the administrative  
 20                   regulation is not deficient.

- 21           (b)~~[(2)]~~ A filed~~[An]~~ administrative regulation found deficient by the  
 22           Administrative Regulation Review Subcommittee shall not be considered  
 23           deficient if:

24                   1.~~[(a)]~~ The administrative regulation is amended to correct the deficiency  
 25                   at a meeting of the subcommittee to which it was assigned by the  
 26                   Commission;

27                   2.~~[(b)]~~ That subcommittee does not determine that the administrative

1 regulation is deficient for any other reason; and

2 ~~3.[(c)]~~ The Administrative Regulation Review Subcommittee approves a  
3 motion that the deficiency has been corrected and that the administrative  
4 regulation should not be considered deficient.

5 ~~(c)[(3)]~~ **A filed**~~[An]~~ administrative regulation found deficient by a subcommittee  
6 **with subject matter jurisdiction** shall not be considered deficient if the  
7 subcommittee:

8 ~~1.[(a)]~~ Reconsiders the administrative regulation and its finding of  
9 deficiency; and

10 ~~2.[(b)]~~ Approves a motion that the administrative regulation is not  
11 deficient.

12 ~~(d)[(4)]~~~~—(a)]~~ If an **amendment to an effective**~~[existing]~~ administrative  
13 regulation **is going through the KRS Chapter 13A promulgation process and**  
14 **is**~~[has been amended and]~~ found deficient by a subcommittee, **the**  
15 **administrative regulation**~~[it]~~ shall not be considered deficient if the:

- 16 1. Administrative regulation was found deficient due to the amendment;
- 17 2. Promulgating administrative body has withdrawn the proposed  
18 amendment of the existing administrative regulation; and
- 19 3. Regulations compiler has not received the Governor's determination  
20 pursuant to KRS 13A.330~~—or 13A.331~~.

21 **(2) If an effective administrative regulation is found deficient by a subcommittee, the**  
22 **administrative regulation shall not be considered deficient if the subcommittee:**

23 **(a) Reconsiders the administrative regulation and its finding of deficiency; and**

24 **(b) Approves a motion that the administrative regulation is not deficient.**

25 **(3) (a)[(b)]** If an administrative regulation has been found deficient by a  
26 subcommittee, the regulations compiler shall add the following notice to the  
27 administrative regulation: "This administrative regulation was found deficient

1 by the [name of subcommittee] on [date]." This notice shall be the last section  
2 of the administrative regulation.

3 ~~(b)(c)~~ If an administrative regulation has been found deficient by a  
4 subcommittee, subsequent amendments of that administrative regulation filed  
5 with the Commission shall contain the notice provided in paragraph ~~(a)(b)~~ of  
6 this subsection.

7 ~~(c)(d)~~ If an administrative regulation that has been found deficient by a  
8 subcommittee has subsequently been determined not to be deficient under the  
9 provisions of this section, the regulations compiler shall delete the notice  
10 required by paragraph ~~(a)(b)~~ of this subsection.

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

12 (1) Within forty-five (45) days after publication of an administrative regulation in "The  
13 Administrative Register" or within sixty (60) days of the receipt of a statement of  
14 consideration, the Education Assessment and Accountability Review Subcommittee  
15 shall meet to review the administrative regulation.

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

17 (3) Public notice of the time, date, and place of the subcommittee meeting shall be  
18 given in The Administrative Register.

19 (4) A representative of the Department of Education shall be present to explain the  
20 administrative regulation and to answer questions thereon. If a representative of the  
21 Department of Education is not present at the subcommittee meeting, the  
22 administrative regulation shall be deferred to the next regularly scheduled meeting  
23 of the subcommittee.

24 (5) Following the meeting and before the next regularly scheduled meeting of the  
25 Legislative Research Commission, the subcommittee shall forward to the  
26 Commission its findings, recommendations, or other comments it deems  
27 appropriate in writing. The subcommittee shall also forward to the Commission its



1 findings, recommendations, or other comments it deems appropriate on an existing  
2 administrative regulation it has reviewed. One (1) copy shall be sent to the  
3 Department of Education. The subcommittee's findings shall be published in The  
4 Administrative Register.

5 (6) (a) After review by the subcommittee, the Commission shall at its next regularly  
6 scheduled meeting assign the matter as appropriate to the Interim Joint  
7 Committee on Education, the Senate standing Education Committee, the  
8 House standing Education Committee, or the Senate and the House standing  
9 committees meeting jointly.

10 (b) Upon notification of the assignment by the Commission, the Education  
11 Committee shall notify the regulations compiler:

12 1. Of the date, time, and place of the meeting at which it will consider the  
13 matter; or

14 2. That it will not meet to consider the matter.

15 (7) Within thirty (30) days of the assignment, the Education Committee, when it plans  
16 to consider an administrative regulation, shall hold a public meeting during which  
17 the regulation shall be reviewed. If the thirtieth day of the assignment falls on a  
18 Saturday, Sunday, or holiday, the deadline for review shall be the workday  
19 following the Saturday, Sunday, or holiday. The committee may also review an  
20 existing administrative regulation and make a determination as provided by KRS  
21 13A.030(2), ~~and (3)~~, **and (4)**. Notice of the time, date, and place of the meeting  
22 shall be placed in the legislative calendar.

23 (8) The Department of Education shall comply with subsection (4) of this section.

24 (9) The Education Committee shall be empowered to make the same nonbinding  
25 determinations and to exercise the same authority as the Administrative Regulation  
26 Review Subcommittee.

27 (10) (a) Upon adjournment of the meeting at which the Education Committee has

1           considered an administrative regulation pursuant to subsection (7) of this  
2           section, the committee shall inform the regulations compiler of its findings,  
3           recommendations, or other action taken on the administrative regulation.

4           (b) Following the meeting and before the next regularly scheduled meeting of the  
5           Commission, the committee shall forward to the Commission its findings,  
6           recommendations, or other comments it deems appropriate in writing. One (1)  
7           copy shall be sent to the Department of Education. The committee's findings  
8           shall be published in The Administrative Register.