

1 AN ACT relating to administrative regulations.

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

3 ➔Section 1. KRS 13A.040 is amended to read as follows:

4 The director of the Legislative Research Commission shall appoint an administrative
5 regulations compiler who shall:

- 6 (1) Receive administrative regulations, and other documents required to be filed by the
7 provisions of this chapter, tendered for filing;
- 8 (2) Stamp administrative regulations tendered for filing with the time and date of
9 receipt;
- 10 (3) Provide administrative and support services to the subcommittee;
- 11 (4) Maintain a file of administrative regulations and other documents required to be
12 filed by this chapter, for public inspection, with suitable indexes;
- 13 (5) Maintain a file of ineffective administrative regulations;
- 14 (6) Maintain a file of material incorporated by reference, including superseded or
15 ineffective material incorporated by reference;
- 16 (7) Prepare the Kentucky Administrative Regulations Service;
- 17 (8) Upon request, certify copies of administrative regulations and other documents that
18 have been filed with the regulations compiler;
- 19 (9) Correct errors that do not change the substance of an administrative regulation,
20 including, but not limited to, typographical errors, errors in format, and grammatical
21 errors;
- 22 (10) **(a)** Change items in an administrative regulation in response to a specific written
23 request for a technical amendment submitted by the administrative body if the
24 regulations compiler determines that the requested changes do not affect the
25 substance of the administrative regulation. Examples of technical amendments
26 include the address of the administrative body, citations to statutes or other
27 administrative regulations if a format change within that statute or

1 administrative regulation has changed the numbering or lettering of parts, or
 2 other changes in accordance with KRS 13A.312; and

3 (b) Notify the administrative body within thirty (30) business days of receipt of
 4 a technical amendment letter the status of the request including:

5 1. Any requested changes that are accepted as technical amendments;
 6 and

7 2. Any requested changes that are not accepted as technical
 8 amendments;

9 (11) Refuse to accept for filing administrative regulations, and other documents required
 10 to be filed by this chapter, that do not conform to the drafting, formatting, or filing
 11 requirements established by the provisions of KRS 13A.190(4) to (10), 13A.220,
 12 13A.222(1), (2), and (3), 13A.230, and 13A.280, and notify the administrative body
 13 in writing of the reasons for refusing to accept an administrative regulation for
 14 filing;

15 (12) Maintain a list of all administrative regulation numbers and the corresponding last
 16 effective date, based on the information included in the history line of each
 17 administrative regulation; and

18 (13) Perform other duties required by the Commission or by a subcommittee.

19 ➔Section 2. KRS 13A.3102 is amended to read as follows:

20 (1) An ordinary administrative regulation with a last effective date on or after March 1,
 21 2013~~July 1, 2012~~, shall expire seven (7) years after its last effective date, except as
 22 provided by the certification process in KRS 13A.3104.

23 (2) An ordinary administrative regulation with a last effective date before March 1,
 24 2013~~July 1, 2012~~, shall expire on March 1, 2020~~July 1, 2019~~, except as
 25 provided by the certification process in KRS 13A.3104.

26 (3) For all administrative regulations that expire under this section or KRS 13A.3104,
 27 the regulations compiler shall:

- 1 (a) Delete them from the Kentucky Administrative Regulations Service;
- 2 (b) Add them to the list of ineffective administrative regulations; and
- 3 (c) Beginning on September~~January~~ 1, 2020, and at least once every six (6)
- 4 months thereafter, publish a list of administrative regulations that have
- 5 expired since the most recent previous list was published under this
- 6 paragraph.

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

10 ➔Section 3. KRS 13A.3104 is amended to read as follows:

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

- 13 (a) Review the administrative regulation in its entirety for compliance with~~the~~
- 14 ~~requirements of KRS Chapter 13A and~~ current law governing the subject
- 15 matter of the administrative regulation;~~and~~

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

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

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

- 24 (a) The name of the administrative body;
- 25 (b) The number of the administrative regulation;
- 26 (c) The title of the administrative regulation;
- 27 (d) A statement that:

- 1 1. The administrative body shall be amending the administrative
2 regulation; or
- 3 2. The administrative regulation shall remain in effect without amendment;
4 and
- 5 (e) A brief statement in support of the decision.
- 6 (3) (a) If the certification letter was filed pursuant to subsection (1)(b) of this section,
7 stating that the administrative regulation shall be amended, the administrative
8 body shall file an amendment to the administrative regulation in accordance
9 with KRS Chapter 13A within eighteen (18) months of the date the
10 certification letter was filed.
- 11 (b) If the amendment was filed in accordance with paragraph (a) of this
12 subsection:
- 13 1. The administrative regulation shall not expire if it is continuing through
14 the administrative regulations process; or
- 15 2. The administrative regulation shall expire on the date the amendment is
16 withdrawn or otherwise ceases going through the administrative
17 regulations process.
- 18 (c) Once the amendment is effective, the regulations compiler shall update the
19 last effective date for that administrative regulation to reflect the amendment's
20 effective date.
- 21 (4) If the certification letter was filed pursuant to subsection (1)(b) of this section,
22 stating that the administrative regulation shall remain in effect without amendment,
23 the regulations compiler shall:
- 24 (a) Update the administrative regulation's history line to state that a certification
25 letter was received; and
- 26 (b) Change the last effective date of the administrative regulation to the date the
27 certification letter was received.

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

4 (a) In summary format; or

5 (b) In its entirety.