

1 A CONCURRENT RESOLUTION directing the Legislative Research Commission
2 to study the impact of administrative regulations on the Commonwealth of Kentucky.

3 WHEREAS, administrative regulations are essential in ensuring that the executive
4 branch can carry out its constitutional duties; and

5 WHEREAS, administrative regulations are sometimes necessary to carry out the
6 goals of important legislation; and

7 WHEREAS, limits on administrative authority are imperative in ensuring that a
8 government does not encroach on the liberties of its people; and

9 WHEREAS, to ensure that a government agency does not overstep its authority,
10 clear authorizing language precisely defining the boundaries of executive authority is
11 essential to a healthy, functioning government; and

12 WHEREAS, statutes that do not clearly define parameters of executive authority in
13 administrative regulation can lead to confusion and an inadvertent abuse of power; and

14 WHEREAS, administrative regulations that are unclear can lead to confusion and
15 noncompliance on the part of the citizen; and

16 WHEREAS, administrative regulations that overstep their boundaries lead to lack
17 of confidence in the rule of law;

18 NOW, THEREFORE,

19 ***Be it resolved by the Senate of the General Assembly of the Commonwealth of***
20 ***Kentucky, the House of Representatives concurring therein:***

21 ➔Section 1. The staff of the Legislative Research Commission is directed to
22 complete a study of the effectiveness of administrative regulations in the Commonwealth
23 of Kentucky.

24 ➔Section 2. The study under Section 1 of this Resolution shall include an analysis
25 of:

26 (1) Whether statutes authorizing the promulgation of administrative regulations
27 are clear;

1 (2) Whether any statutes authorizing administrative regulations are unclear, and
2 what changes would be needed to provide more clarity;

3 (3) Whether administrative regulations are clear and conform to their authorizing
4 statutes;

5 (4) Whether any administrative regulations are unclear or do not conform to
6 statutory authority, and what changes need to be made to provide clarity to unclear
7 regulations or ensure nonconforming regulations are in compliance; and

8 (5) The estimated cost of unclear statutes and administrative regulations and
9 nonconforming regulations to the Commonwealth.

10 ➔Section 3. The study described in Sections 1 and 2 of this Resolution shall be
11 submitted to the Interim Joint Committee on State Government and the Interim Joint
12 Committee on Appropriations and Revenue no later than December 1, 2021.

13 ➔Section 4. Provisions of this Resolution to the contrary notwithstanding, the
14 Legislative Research Commission shall have the authority to alternatively assign the
15 issues identified herein to an interim joint committee or subcommittee thereof, and to
16 designate a study completion date.