

1 AN ACT relating to legislative committees and declaring an emergency.

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

3 ➔Section 1. KRS 13A.190 is amended to read as follows:

4 (1) An emergency administrative regulation is an administrative regulation that:

5 (a) An administrative body can clearly demonstrate, through documentary
6 evidence submitted with the filing of the emergency administrative regulation,
7 must be placed into effect immediately in order to:

8 1. Meet an imminent threat to public health, safety, welfare, or the
9 environment;

10 2. Prevent an imminent loss of federal or state funds;

11 3. Meet an imminent deadline for the promulgation of an administrative
12 regulation that is established by state statute or federal law; or

13 4. Comply with an executive order issued under KRS Chapter 39A; and

14 (b) 1. Is temporary in nature and will expire as provided in this section; or

15 2. Is temporary in nature and will be replaced by an ordinary administrative
16 regulation as provided in this section.

17 For the purposes of this section, "imminent" means within two hundred seventy
18 (270) days of the filing of the emergency administrative regulation.

19 (2) An agency's finding of an emergency pursuant to this section shall not be based on
20 the agency's failure to timely process and file administrative regulations through the
21 ordinary administrative regulation process.

22 (3) An emergency administrative regulation:

23 (a) Shall become effective and shall be considered as adopted upon filing;

24 (b) Shall be published in the Administrative Register in accordance with the
25 publication deadline established in KRS 13A.050(3);

26 (c) Shall be subject to the public comment provisions established in KRS
27 13A.270 and 13A.280;

- 1 (d) 1. May be reviewed at a subsequent meeting of a legislative committee
2 after the filing of the emergency administrative regulation; and
3 2. May, by a vote of the majority of the legislative committee's
4 membership as established by KRS 13A.020(4) and 13A.290(9), be
5 found to be deficient, and the deficiency shall be reported to the
6 Attorney General and the Governor pursuant to KRS 13A.330~~[(2)]~~; and
7 (e) May be amended:
8 1. By the promulgating administrative body after receiving public
9 comments as established in KRS 13A.280. The amended after comments
10 version shall:
11 a. Become effective upon filing; and
12 b. Not require a statement of emergency; or
13 2. At a legislative committee meeting as established in KRS 13A.320. The
14 amendment shall be approved as established by KRS 13A.020(4) and
15 KRS 13A.290(9). The amended version shall become effective upon
16 adjournment of the meeting following the procedures established in
17 KRS 13A.331.
18 (4) (a) Except as provided by paragraph (b) of this subsection, emergency
19 administrative regulations shall expire two hundred seventy (270) days after
20 the date of filing or when the same matter filed as an ordinary administrative
21 regulation filed for review is adopted, whichever occurs first.
22 (b) If an administrative body extends the time for filing a statement of
23 consideration for an ordinary administrative regulation as provided by KRS
24 13A.280(2)(b), an emergency administrative regulation shall remain in effect
25 for two hundred seventy (270) days after the date of filing plus the number of
26 days extended under the provisions of KRS 13A.280(2)(b) or when the same
27 matter filed as an ordinary administrative regulation filed for review is

1 adopted, whichever occurs first.

2 (c) Filing an emergency amended after comments administrative regulation shall
3 not affect the expiration of an emergency regulation as established in
4 paragraphs (a) and (b) of this subsection.

5 (5) Except as established in subsection (6) of this section, an emergency administrative
6 regulation with the same number or title or governing the same subject matter shall
7 not be filed for a period of two hundred seventy (270) days after it has been initially
8 filed.

9 (6) If an emergency administrative regulation with the same number or title or
10 governing the same subject matter as an emergency administrative regulation filed
11 within the previous two hundred seventy (270) days is filed, it shall contain a
12 detailed explanation of the manner in which it differs from the previously filed
13 emergency administrative regulation. The detailed explanation shall be included in
14 the statement of emergency required by subsection (7) of this section.

15 (7) Each emergency administrative regulation shall contain a statement of:

16 (a) The nature of the emergency;

17 (b) The reasons why an ordinary administrative regulation is not sufficient;

18 (c) Whether or not the emergency administrative regulation will be replaced by an
19 ordinary administrative regulation;

20 (d) If the emergency administrative regulation will be replaced by an ordinary
21 administrative regulation, the following statement: "The ordinary
22 administrative regulation (is or is not) identical to this emergency
23 administrative regulation.";

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

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

27 (8) (a) An administrative body shall attach the:

- 1 1. Statement of emergency required by subsection (7) of this section to the
2 front of the original and each copy of a proposed emergency
3 administrative regulation;
 - 4 2. Public hearing and public comment period information required by KRS
5 13A.270(2), regulatory impact analysis, tiering statement, federal
6 mandate comparison, fiscal note, summary of material incorporated by
7 reference if applicable, and other forms or documents required by the
8 provisions of this chapter to the back of the emergency administrative
9 regulation; and
 - 10 3. Documentary evidence submitted justifying the finding of an emergency
11 in accordance with subsection (1) of this section to the back of the
12 emergency regulation if it is:
 - 13 a. No more than four (4) pages in length; and
 - 14 b. Typewritten on white paper, size eight and one-half (8-1/2) by
15 eleven (11) inches, and single-sided.
- 16 Larger volumes of documentary evidence shall be filed in a separate
17 binder or on a CD-ROM or DVD disc.
- 18 (b) An administrative body shall file with the regulations compiler:
 - 19 1. The original and five (5) copies of the emergency administrative
20 regulation; and
 - 21 2. At the same time as, or prior to, filing the paper version, an electronic
22 version of the emergency administrative regulation and the attachments
23 required by paragraph (a) of this subsection saved as a single document
24 for each emergency administrative regulation in an electronic format
25 approved by the regulations compiler.
 - 26 (c) The original and four (4) copies of each emergency administrative
27 regulation shall be stapled in the top left corner. The fifth copy of each

1 emergency administrative regulation shall not be stapled. The original
2 and the five (5) copies of each emergency administrative regulation shall
3 be grouped together.

4 (9) The statement of emergency shall have a two (2) inch top margin. The number of
5 the emergency administrative regulation shall be typed directly below the heading
6 "Statement of Emergency." The number of the emergency administrative regulation
7 shall be the same number as the ordinary administrative regulation followed by an
8 "E."

9 (10) Each executive department emergency administrative regulation shall be signed by
10 the head of the administrative body and countersigned by the Governor prior to
11 filing with the Commission. These signatures shall be on the statement of
12 emergency attached to the front of the emergency administrative regulation.

13 (11) If an emergency administrative regulation will be replaced by an ordinary
14 administrative regulation, the ordinary administrative regulation shall be filed at the
15 same time as the emergency administrative regulation that it will replace.

16 (12) If an ordinary administrative regulation that was filed to replace an emergency
17 administrative regulation is withdrawn:

18 (a) The emergency administrative regulation shall expire on the date the ordinary
19 administrative regulation is withdrawn; and

20 (b) The administrative body shall inform the regulations compiler of the reasons
21 for withdrawal in writing.

22 (13) (a) If an emergency administrative regulation that was intended to be replaced by
23 an ordinary administrative regulation is withdrawn, the emergency
24 administrative regulation shall expire on the date it is withdrawn.

25 (b) If an emergency administrative regulation has been withdrawn, the ordinary
26 administrative regulation that was filed with it shall not expire unless the
27 administrative body informs the regulations compiler that the ordinary

1 administrative regulation is also withdrawn.

2 (c) If an emergency administrative regulation is withdrawn, the administrative
3 body shall inform the regulations compiler of the reasons for withdrawal in
4 writing.

5 (14) The administrative regulations compiler shall notify all legislative committees of
6 the number, title, and subject matter of all emergency administrative regulations and
7 shall forward any additional information filed about the emergency administrative
8 regulation requested by a legislative committee.

9 ➔Section 2. KRS 13A.315 is amended to read as follows:

10 (1) An administrative regulation shall expire and shall not be reviewed by a legislative
11 committee if:

12 (a) It has not been reviewed or approved by the official or administrative body
13 with authority to review or approve;

14 (b) The statement of consideration and, if applicable, the amended after
15 comments version are not filed on or before a deadline specified by this
16 chapter;

17 (c) The administrative body has failed to comply with the provisions of this
18 chapter governing the filing of administrative regulations, the public hearing
19 and public comment period, or the statement of consideration; or

20 (d) The administrative regulation is deferred pursuant to KRS 13A.300(2) more
21 than twelve (12) times.

22 (2) (a) An administrative regulation that has been found deficient by a legislative
23 committee shall be:

24 **1. Automatically withdrawn in accordance with Section 3 of this Act; or**

25 **2. Withdrawn immediately if, pursuant to ~~KRS 13A.330,~~ the Governor**
26 **has determined that it shall be withdrawn.**

27 (b) The Governor shall notify the regulations compiler in writing and by

1 telephone ~~if that~~ he or she has determined under paragraph (a)2. of this
 2 subsection that the administrative regulation found deficient shall be
 3 withdrawn.

4 (c) The written withdrawal of an administrative regulation governed by
 5 paragraph (a)2.~~[the provisions]~~ of this subsection shall be made in a letter to
 6 the regulations compiler in the following format: "Pursuant to KRS 13A.330, I
 7 have determined that (administrative regulation number and title) shall be
 8 (withdrawn, or withdrawn and amended to conform to the finding of
 9 deficiency, as applicable). The administrative regulation, (administrative
 10 regulation number and title), is hereby withdrawn."

11 (d) An administrative regulation governed by paragraph (a)2.~~[the provisions]~~ of
 12 this subsection shall be considered withdrawn upon receipt by the regulations
 13 compiler of the written withdrawal.

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

15 (1) (a) For any filed administrative regulation that has been found deficient by a
 16 legislative committee under the provisions of this chapter:

17 1. The administrative body may appeal within ten (10) days of the
 18 finding to the Attorney General. The administrative body shall provide
 19 written notice of the appeal to the regulations compiler; and

20 2. The Attorney General shall make a final determination within twenty
 21 (20) days of receipt of the appeal whether the finding shall be:

22 a. Upheld, in which case the administrative regulation shall be
 23 automatically withdrawn and shall cease going through the
 24 administrative regulations process; or

25 b. Overruled, in which case the administrative regulation shall
 26 continue going through the administrative regulations process.

27 (b) The Attorney General shall transmit this determination to the Governor, the

1 *Commission, and the regulations compiler.*

2 *(c) The administrative regulation shall be automatically withdrawn and shall*
 3 *cease going through the administrative regulations process:*

4 *1. Upon receipt by the regulations compiler of the Attorney General's*
 5 *determination upholding the finding of deficiency; or*

6 *2. At the end of the ten (10) day appeal period if no notice of appeal was*
 7 *received by the regulations compiler.*

8 **(2)** (a) If a filed ordinary administrative regulation has been found deficient, the
 9 legislative committee shall transmit to the *Attorney General, the* Governor,
 10 and the regulations compiler:

11 1. A copy of the finding of deficiency and other relevant findings,
 12 recommendations, or comments; and

13 2. A request that the Governor determine, *if the finding of deficiency is*
 14 *overruled by the Attorney General,* whether the administrative
 15 regulation shall:

16 a. Be withdrawn;

17 b. Be amended at a legislative committee meeting pursuant to KRS
 18 13A.320 to conform to the finding of deficiency; or

19 c. Become effective pursuant to the provisions of this section
 20 notwithstanding the finding of deficiency.

21 (b) *If the finding of deficiency is overruled by the Attorney General,* the
 22 Governor shall transmit his or her determination to the Commission and the
 23 regulations compiler.

24 (c) A filed ordinary administrative regulation that has been found deficient shall
 25 be considered as adopted and become effective after:

26 1. a. The review period established in this chapter has been completed;

27 *b. The finding of deficiency is overruled by the Attorney General;*

1 and

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

6 2. The legislative committee that found the filed administrative regulation
 7 deficient subsequently determines that it is not deficient ~~in accordance~~
 8 ~~with KRS 13A.335~~, provided that this determination was made prior to:

9 **a. The end of the ten (10) day appeal period if the finding was not**
 10 **appealed; or**

11 **b. Receipt by the regulations compiler of the Attorney General's or**
 12 **Governor's determination if the finding was appealed.**

13 ~~(3) [(2)]~~ (a) If an emergency administrative regulation has been found deficient, the
 14 legislative committee finding it deficient shall transmit to the **Attorney**
 15 **General, the** Governor, and the regulations compiler:

16 1. A copy of the finding of deficiency and other relevant findings,
 17 recommendations, or comments; and

18 2. A request that the Governor determine, **if the finding of deficiency is**
 19 **overruled by the Attorney General,** whether the emergency
 20 administrative regulation shall:

21 a. Be withdrawn;

22 b. Be amended at a legislative committee meeting pursuant to KRS
 23 13A.320 to conform to the finding of deficiency; or

24 c. Remain effective as established in KRS 13A.190(4)
 25 notwithstanding the finding of deficiency.

26 (b) **If the finding of deficiency is overruled by the Attorney General,** the
 27 Governor shall transmit his or her determination to the Commission and the

1 regulations compiler.

2 (c) The legislative committee that found the emergency administrative regulation
3 deficient may subsequently determine that it is not deficient **provided that this**
4 **determination was made prior to:**

5 **1. The end of the ten (10) day appeal period if the finding was not**
6 **appealed; or**

7 **2. Receipt by the regulations compiler of the Attorney General's or**
8 **Governor's determination if the finding was appealed**~~[in accordance~~
9 ~~with KRS 13A.335].~~

10 ~~(4)~~~~(3)~~ **For any effective ordinary administrative regulation that has been found**
11 **deficient by a legislative committee under the provisions of this chapter:**

12 **(a) The administrative body may appeal within ten (10) days of the finding to**
13 **the Attorney General. The administrative body shall provide written notice**
14 **of the appeal to the regulations compiler.**

15 **(b) The Attorney General shall make a final determination within twenty (20)**
16 **days of receipt of the appeal whether the finding shall be:**

17 **1. Upheld, in which case the administrative regulation shall be null,**
18 **void, and unenforceable; or**

19 **2. Overruled, in which case the administrative regulation shall remain in**
20 **effect.**

21 **(c) The Attorney General shall transmit this determination to the Governor, the**
22 **Commission, and the regulations compiler.**

23 **(d) The administrative regulation shall be null, void, and unenforceable:**

24 **1. Upon receipt by the regulations compiler of the Attorney General's**
25 **determination upholding the finding of deficiency; or**

26 **2. At the end of the ten (10) day appeal period if no notice of appeal was**
27 **received by the regulations compiler.**

- 1 (5) (a) If an effective ordinary administrative regulation has been found deficient by a
2 legislative committee, the legislative committee shall transmit to the Attorney
3 General, the Governor, and the regulations compiler:
- 4 1. A copy of its finding of deficiency and other findings, recommendations,
5 or comments it deems appropriate; and
- 6 2. A request that the Governor determine, if the finding of deficiency is
7 overruled by the Attorney General, whether the administrative
8 regulation shall:
- 9 a. Be repealed;
- 10 b. Be filed as an amended administrative regulation to conform to
11 the finding of deficiency; or
- 12 c. Remain effective notwithstanding the finding of deficiency.
- 13 (b) If the finding of deficiency is overruled by the Attorney General, the
14 Governor shall transmit this determination to the Commission and the
15 regulations compiler.
- 16 (c) The legislative committee that found the administrative regulation deficient
17 may subsequently determine that it is not deficient, provided that this
18 determination was made prior to:
- 19 1. The end of the ten (10) day appeal period if the finding was not
20 appealed; or
- 21 2. Receipt by the regulations compiler of the Attorney General's or
22 Governor's determination if the finding was appealed.
- 23 (6) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary,
24 an administrative body shall not promulgate an administrative regulation that is
25 identical to, or substantially the same as, any administrative regulation whose
26 deficiency finding was upheld by the Attorney General for at least one (1) year
27 after the date the Attorney General upheld the deficiency finding.

1 ➔Section 4. KRS 13A.335 is amended to read as follows:

2 (1) (a) A filed administrative regulation found deficient by a legislative committee
3 shall not be considered deficient if:

4 1. **The Attorney General overrules the deficiency finding; and**

5 **2. a.** A subsequent amendment of that administrative regulation is filed
6 with the Commission by the administrative body;

7 **b.**~~[2.]~~The legislative committee that found the administrative regulation
8 deficient approves a motion that the subsequent amendment
9 corrects the deficiency; and

10 **c.**~~[3.]~~Any legislative committee that reviews the administrative
11 regulation under the provisions of KRS Chapter 13A finds that the
12 administrative regulation is not deficient.

13 (b) A filed administrative regulation found deficient by the Administrative
14 Regulation Review Subcommittee shall not be considered deficient if:

15 1. **The Attorney General overrules the deficiency finding; and**

16 **2. a.** The administrative regulation is amended to correct the deficiency
17 at a meeting of the legislative committee to which it was assigned
18 by the Commission;

19 **b.**~~[2.]~~That legislative committee does not determine that the
20 administrative regulation is deficient for any other reason; and

21 **c.**~~[3.]~~The Administrative Regulation Review Subcommittee approves a
22 motion that the deficiency has been corrected and that the
23 administrative regulation should not be considered deficient.

24 (c) A filed administrative regulation found deficient by a legislative committee
25 with subject matter jurisdiction shall not be considered deficient if:

26 **1. The Attorney General overrules the deficiency finding; and**

27 **2.** The legislative committee:

1 a.~~[1.]~~ Reconsiders the administrative regulation and its finding of
2 deficiency; and

3 b.~~[2.]~~ Approves a motion that the administrative regulation is not
4 deficient.

5 (d) If an amendment to an effective administrative regulation is going through the
6 KRS Chapter 13A promulgation process and is found deficient by a legislative
7 committee, the administrative regulation shall not be considered deficient if
8 the:

- 9 1. Administrative regulation was found deficient due to the amendment;
- 10 2. Promulgating administrative body has withdrawn the proposed
11 amendment of the existing administrative regulation; and

12 3. a. Regulations compiler has not received the Attorney General's
13 determination, and if necessary, the Governor's determination
14 pursuant to KRS 13A.330 if the finding was appealed; or

15 b. Ten (10) day appeal period has not expired if the finding was not
16 appealed.

17 (2) ~~If~~ An effective administrative regulation ~~is~~ found deficient by a legislative
18 committee~~, the administrative regulation~~ shall not be considered deficient if:

19 (a) The Attorney General overrules the deficiency finding; and

20 (b) The legislative committee:

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

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

25 (3) (a) If an administrative regulation has been found deficient by a legislative
26 committee and the Attorney General overrules the finding, the regulations
27 compiler shall add the following notice to the administrative regulation: "This

1 administrative regulation was found deficient by the [name of legislative
2 committee] on [date]." This notice shall be the last section of the
3 administrative regulation.

4 (b) If an administrative regulation has been found deficient by a legislative
5 committee and the Attorney General overrules the finding, subsequent
6 amendments of that administrative regulation filed with the Commission shall
7 contain the notice provided in paragraph (a) of this subsection.

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

12 ➔Section 5. KRS 13A.336 is amended to read as follows:

13 (1) (a) After the last regularly scheduled meeting of the Administrative Regulation
14 Review Subcommittee in a calendar year, but by the thirty-first day of
15 December of that calendar year, the staff of the Administrative Regulation
16 Review Subcommittee shall submit a report to the co-chairs of that
17 subcommittee regarding administrative regulations that were found deficient
18 by any legislative committee of the Commission during that calendar year.

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

- 20 1. Effective administrative regulations that were found deficient; and
21 2. Administrative regulations filed with the Commission that were found
22 deficient.

23 (2) The report shall not contain any administrative regulation that was found deficient
24 and:

25 (a) Has been withdrawn; or

26 (b) Is no longer considered deficient under KRS 13A.335.

27 (3) The report shall contain at least the following information for each administrative

1 regulation in the report:

- 2 (a) Administrative regulation number and title;
- 3 (b) Name of the promulgating agency;
- 4 (c) Date of deficiency determination;
- 5 (d) Name of the legislative committee that made the deficiency determination;
- 6 (e) Effective date, if it is in effect;
- 7 (f) The finding of deficiency and any other findings, recommendations, or
- 8 comments sent to the Attorney General and the Governor;
- 9 (g) The Attorney General's decision to either uphold or overrule the finding of
- 10 deficiency; and

11 (h)~~(g)~~ If applicable under KRS 13A.330, the Governor's determination

12 regarding the deficiency, if received by the Commission.

13 (4) The first page of the report required by subsection (1) of this section shall contain

14 the following text, in fourteen (14) point font or larger:

15 "To ratify the deficiency findings listed in this report, a co-chair or other legislator

16 may request that Legislative Research Commission staff prepare a bill:

- 17 (a) Declaring that one (1) or more administrative regulations listed in the report
- 18 shall be void; or
- 19 (b) Amending the relevant subject matter statutes in conformity with the findings
- 20 of deficiency."

21 ➔Section 6. KRS 15.020 is amended to read as follows:

22 (1) The Attorney General is the chief law officer of the Commonwealth of Kentucky

23 and all of its departments, commissions, agencies, and political subdivisions, and

24 the legal adviser of all state officers, departments, commissions, and agencies, and

25 when requested in writing shall furnish to them his or her written opinion touching

26 any of their official duties, and shall prepare proper drafts of all instruments of

27 writing required for public use, and shall exercise all common law duties and

1 authority pertaining to the office of the Attorney General under the common law,
2 except when modified by statutory enactment.

3 (2) The Attorney General shall communicate with the Legislative Research
4 Commission as required by KRS 418.075.

5 (3) Except as otherwise provided in KRS 48.005 and 2000 Ky. Acts ch. 483, sec. 8, the
6 Attorney General shall appear for the Commonwealth in all cases in the Supreme
7 Court or Court of Appeals wherein the Commonwealth is interested, and shall also
8 commence all actions or enter an appearance in all cases, hearings, and proceedings
9 in and before all other courts, tribunals, or commissions in or out of the state, and
10 attend to all litigation and legal business in or out of the state required of the office
11 by law, or in which the Commonwealth has an interest, and any litigation or legal
12 business that any state officer, department, commission, or agency may have in
13 connection with, or growing out of, his, her, or its official duties, except where it is
14 made the duty of the Commonwealth's attorney or county attorney to represent the
15 Commonwealth. When any attorney is employed for any said agency, the same shall
16 have the approval of such agency before such employment.

17 (4) Notwithstanding any other statute or provision to the contrary, the Attorney General
18 may:

19 (a) Bring any action challenging the constitutionality of a Kentucky statute,
20 executive order, administrative regulation, or order of any cabinet, program
21 cabinet, or department under KRS Chapter 12. The action may be brought in
22 any county where the alleged constitutional harm has occurred or could be
23 reasonably presumed to occur; and

24 (b) *Review an administrative regulation under Section 3 of this Act to address a*
25 *legislative committee's finding of deficiency relating to that administrative*
26 *regulation.*

27 (5) If any funds of any kind or nature whatsoever are recovered by or on behalf of the

1 Commonwealth, in any action, including an ex rel. action where the Attorney
2 General has entered an appearance or is a party according to statutory or common
3 law authority, those funds shall be handled under KRS 48.005.

4 ➔Section 7. KRS 45A.705 is repealed and reenacted to read as follows:

- 5 (1) There is hereby created a permanent committee of the Legislative Research
6 Commission to be known as the Government Contract Review Committee. The
7 committee shall be composed of eight (8) members appointed as follows: three (3)
8 members of the Senate appointed by the President of the Senate; one (1) member of
9 the minority party in the Senate appointed by the Minority Floor Leader in the
10 Senate; three (3) members of the House of Representatives appointed by the
11 Speaker of the House of Representatives; and one (1) member of the minority party
12 in the House of Representatives appointed by the Minority Floor Leader in the
13 House of Representatives. Members shall serve for terms of two (2) years, and the
14 members appointed from each chamber shall elect one (1) member from their
15 chamber to serve as co-chair. Any vacancy that may occur in the membership of the
16 committee shall be filled by the appointing authority who made the original
17 appointment.
- 18 (2) On an alternating basis, each co-chair shall have the first option to set the monthly
19 meeting date. A monthly meeting may be canceled by agreement of both co-chairs.
20 The co-chairs shall have joint responsibilities for committee meeting agendas and
21 presiding at committee meetings. A majority of the entire membership of the
22 Government Contract Review Committee shall constitute a quorum, and all actions
23 of the committee shall be by vote of a majority of its entire membership. The
24 members of the committee shall be compensated for attending meetings, as
25 provided in KRS 7.090(3).
- 26 (3) Any professional, clerical, or other employees required by the committee shall be
27 provided in accordance with the provisions of KRS 7.090(4) and (5).

- 1 (4) All proposed personal service contracts, tax incentive agreements, and memoranda
2 of agreement received by the Legislative Research Commission shall be submitted
3 to the committee to:
- 4 (a) Examine the stated need for the service or benefit to the Commonwealth of
5 the motion picture or entertainment production;
 - 6 (b) Examine whether the service could or should be performed by state personnel,
7 for personal service contracts and memoranda of agreement;
 - 8 (c) Examine the amount and duration of the contract or agreement; and
 - 9 (d) Examine the appropriateness of any exchange of resources or responsibilities.
- 10 (5) If the committee determines that the contract service or agreement, other than an
11 emergency contract approved by the secretary of the Finance and Administration
12 Cabinet or his or her designee, is not needed or inappropriate, the motion picture or
13 entertainment production is not beneficial or is inappropriate, the service could or
14 should be performed by state personnel, the amount or duration is excessive, or the
15 exchange of resources or responsibilities are inappropriate, the committee shall
16 attach a written notation of the reasons for its disapproval or objection to the
17 personal service contract, tax incentive agreement, or memorandum of agreement
18 and shall return the personal service contract, tax incentive agreement, or
19 memorandum of agreement to the secretary of the Finance and Administration
20 Cabinet or his or her designee. The committee shall act on a personal service
21 contract, tax incentive agreement, or memorandum of agreement submitted to the
22 Legislative Research Commission within forty-five (45) days of the date received.
- 23 (6) Upon receipt of the committee's disapproval or objection to a personal service
24 contract, tax incentive agreement, or memorandum of agreement, the secretary of
25 the Finance and Administration Cabinet or his or her designee shall determine
26 whether the personal service contract, tax incentive agreement, or memorandum of
27 agreement shall:

- 1 (a) Be revised to comply with the objections of the committee;
- 2 (b) Be canceled and, if applicable, payment allowed for services rendered under
3 the contract or amendment; or
- 4 (c) Be appealed within ten (10) days to the State Treasurer, who shall make a
5 final determination within ten (10) days of receipt of the appeal of whether the
6 personal service contract, tax incentive agreement, or memorandum of
7 agreement shall:
- 8 1. Be revised to comply with the objection of the committee;
- 9 2. Be canceled and, if applicable, payment allowed for services already
10 rendered under the contract or amendment; or
- 11 3. Remain effective as originally submitted.
- 12 (7) Contracting bodies shall make annual reports to the committee not later than
13 December 1 of each year. The committee shall establish reporting procedures for
14 contracting bodies related to personal service contracts, tax incentive agreements,
15 and memoranda of agreement submitted by the secretary of the Finance and
16 Administration Cabinet or his or her designee.
- 17 ➔Section 8. (1) Notwithstanding any statute, administrative regulation, or
18 common law to the contrary, and except as provided in this subsection, appropriations
19 from the general fund, any restricted fund, the road fund, or any federal funds, whether
20 for employee time or any other purpose, shall not be expended by an elected statewide
21 constitutional officer, except the Attorney General, nor by any other state official,
22 employee, or agency, in support of a challenge to the constitutionality of this Act whether
23 supporting in the role of plaintiff, petitioner, party, intervening party, attorney, amicus
24 curiae, or any other capacity.
- 25 (2) If the constitutionality of subsection (1) of this section is challenged through
26 litigation, the Attorney General shall be the sole named respondent for the
27 Commonwealth of Kentucky in such litigation and shall consult with the Legislative

1 Research Commission regarding defense of such litigation.

2 (3) If any provision of this Act or the application thereof to any person or
3 circumstance is held invalid, the invalidity shall not affect other provisions or
4 applications of the Act that can be given effect without the invalid provision or
5 application, and to this end the provisions of this Act are severable.

6 ➔Section 9. Whereas the Administrative Regulation Review Subcommittee and
7 the Government Contract Review Committee are statutory committees meeting monthly
8 and addressing items brought before them at those meetings, and it is imperative to
9 ensure that the mechanisms involving administrative regulations and those envisioned by
10 the Kentucky General Assembly in 2021 Kentucky Acts Chapter 151, Section 3, are
11 effectual, an emergency is declared to exist, and this Act takes effect upon its passage and
12 approval by the Governor or upon its otherwise becoming a law.