

HOUSE OF REPRESENTATIVES

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2025 REGULAR SESSION
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Amend printed copy of **HB 422**

On page 25, line 15, delete "or" and insert "and" in lieu thereof; and

On page 33, delete lines 24 to 25 in their entirety, and insert the following in lieu thereof:

"(13) The centralized state government website that provides for the notification of the filing of administrative regulations and amendments to existing administrative regulations shall provide:"; and

On page 38, delete lines 7 to 10 in their entirety, and insert the following in lieu thereof:

"(5) **(a)** If comments are received either at the public hearing or during the public comment period, the administrative regulation shall be deferred to the next regularly scheduled meeting of the subcommittee following the month in which the statement of consideration is due.

(b) A filed administrative regulation that is deferred under this subsection due to receipt of public comments may still be placed on the subcommittee's agenda for informational review pursuant to subsection (3) or (4) of Section 18 of this Act.

(c) If a filed administrative regulation is placed on the agenda pursuant to paragraph (b) of this subsection, the full review of the filed administrative regulation shall still be deferred in accordance with this subsection."; and

On page 40, line 25, to page 49, line 11, delete Sections 12 and 13 in their entirety, and insert the following in lieu thereof:

Amendment No. HFA

Rep. Rep. Derek Lewis

Committee Amendment

Signed:

Floor Amendment

LRC Drafter: _____

Adopted: _____

Date: _____

Rejected: _____

Doc. ID: XXXX

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" ➔ Section 12. KRS 13A.290 is amended to read as follows:

- (1) (a) Except as provided by KRS 158.6471 and 158.6472, the Administrative Regulation Review Subcommittee shall meet monthly to review administrative regulations prior to close of business on the fifteenth day of the calendar month.
 - (b) The agenda shall:
 1. Include each administrative regulation that completed the public comment process;
 2. Include each administrative regulation for which a statement of consideration was received on or before 12 noon, eastern time, on the fifteenth day of the prior calendar month;
 3. Include each effective administrative regulation **or administrative regulation filed with the Commission** that the subcommittee has decided to review **pursuant to subsection (3) of Section 18 of this Act;**
 4. **Include each administrative regulation required to be on the agenda pursuant to subsection (4) of Section 18 of this Act;**
 5. Include each administrative regulation that was deferred from the prior month's meeting of the subcommittee; and
 6. ~~5.~~ Not include an administrative regulation that is deferred, withdrawn, expired, or automatically taken off the agenda under the provisions of this chapter, **unless it is being reviewed pursuant to subsection (3) or (4) of Section 18 of this Act.**
 - (c) Review of an administrative regulation shall include the entire administrative regulation and all attachments filed with the administrative regulation. The review of amendments to existing administrative regulations shall not be limited to only the changes proposed by the promulgating administrative body.
- (2) The meetings shall be open to the public.

Unofficial Document

- (3) Public notice of the time, date, and place of the Administrative Regulation Review Subcommittee meeting shall be given in the Administrative Register.
- (4) (a) A representative of the administrative body for an administrative regulation **on the agenda**~~[under consideration]~~ shall be present to explain the administrative regulation and to answer questions thereon.
- (b) If a representative of **an**~~[the]~~ administrative body with authority to amend, **defer, and answer questions about** a filed **ordinary or emergency** administrative regulation **that is on the agenda for full review fails to appear before**~~[is not present at the subcommittee meeting, the administrative regulation shall be deferred to the next regularly scheduled meeting of]~~ the subcommittee, **the subcommittee may:**
- 1. Defer the administrative regulation to the next regularly scheduled meeting of the subcommittee; and**
 - 2. Make a determination pursuant to subsections (2), (3), and (4) of Section 18 of this Act or subsection (3) of Section 3 of this Act.**
- (c) If a representative of an administrative body **with authority to defer and answer questions about an**~~[for an effective]~~ administrative regulation **that was placed on the agenda for informational review pursuant to subsection (3) or (4) of Section 18 of this Act** fails to appear before the subcommittee, the subcommittee may:
- Defer the **informational review of the** administrative regulation to the next regularly scheduled meeting of the subcommittee; **and**~~[or]~~
 - Make a determination pursuant to KRS 13A.030(2), (3), and (4), or KRS 13A.190(3).
- (5) Following the meeting and before the next regularly scheduled meeting of the Commission, the Administrative Regulation Review Subcommittee shall forward to the Commission its findings, recommendations, or other comments it deems appropriate in writing.~~[The~~

Unofficial Document

~~Administrative Regulation Review Subcommittee shall also forward to the Commission its findings, recommendations, or other comments it deems appropriate on an effective administrative regulation it has reviewed.}~~ The Administrative Regulation Review Subcommittee's findings shall be published in the Administrative Register.

- (6) (a) After review by the Administrative Regulation Review Subcommittee, the Commission shall, on the first Wednesday of the following month, or if the first Wednesday is a legal holiday, the next workday of the month:~~;~~
1. Assign a filed administrative regulation to a legislative committee with subject matter jurisdiction **if the administrative regulation was on the agenda for full review pursuant to subsection (1)(b)1., 2., or 5. of this section; and**
 2. **Not assign a filed administrative regulation to a legislative committee with subject matter jurisdiction if the administrative regulation was solely on the agenda for informational review pursuant to subsection (3) or (4) of Section 18 of this Act.**
- (b) Upon notification of the assignment by the Commission, the legislative committee to which the administrative regulation is assigned shall notify the regulations compiler:
1. Of the date, time, and place of the meeting at which it will consider the administrative regulation; or
 2. That it will not meet to consider the administrative regulation.
- (7) (a) Within ninety (90) days of the assignment, the legislative committee may hold a public meeting during which the administrative regulation shall be reviewed.
- (b) If the ninetieth day of the assignment falls on a Saturday, Sunday, or holiday, the deadline for review shall be the workday following the Saturday, Sunday, or holiday.
- (c) 1. If the administrative regulation is assigned to an interim joint committee and a session of the General Assembly begins during the review period, the

- assignment shall transfer to the Senate and House standing committees with subject matter jurisdiction.
2. If the administrative regulation is assigned to Senate and House standing committees and a session of the General Assembly adjourns sine die during the review period, the assignment shall transfer to the interim joint committee with subject matter jurisdiction.
 3. An administrative regulation may be transferred more than one (1) time under this paragraph. A transfer shall not extend the review period established by this subsection.
- (d) Notice of the time, date, and place of the meeting shall be placed in the legislative calendar.
- (8) Except as provided in subsection (9) of this section, a legislative committee shall be empowered to make the same determinations and to exercise the same authority as the Administrative Regulation Review Subcommittee, **including all powers and restrictions relating to informational reviews conducted under subsection (3) or (4) of Section 18 of this Act.**
- (9) (a) This subsection shall apply to **ordinary and emergency** administrative regulations filed with the Commission **and reviewed pursuant to subsection (7) of this section.**
- (b) A majority of the entire membership of the legislative committee shall constitute a quorum for purposes of reviewing administrative regulations.
- (c) In order to amend an administrative regulation pursuant to KRS 13A.320, defer an administrative regulation pursuant to KRS 13A.300, or find an administrative regulation deficient pursuant to KRS 13A.030(2), (3), or (4) or 13A.190(3), the motion to amend, defer, or find deficient shall be approved by a majority of the entire membership of the legislative committee. Additionally, during a session of the

Unofficial Document

General Assembly, standing committees of the Senate and House of Representatives shall agree in order to amend an administrative regulation, defer an administrative regulation, or find an administrative regulation deficient by:

1. Meeting separately; or
 2. Meeting jointly. If the standing committees meet jointly, it shall require a majority vote of Senate members voting and a majority of House members voting, as well as the majority vote of the entire membership of the standing committees meeting jointly, in order to take action on the administrative regulation.
- (10) (a) The quorum requirements of subsection (9)(b) of this section shall apply to an effective **or filed** administrative regulation **that is** under **informational** review by a legislative committee **pursuant to subsection (3) or (4) of Section 18 of this Act and subsection (8) of this section.**
- (b) A motion to **defer the informational review of an**~~find an effective~~ administrative regulation **or find the administrative regulation** deficient shall be approved by:
1. A majority of the entire membership of the Administrative Regulation Review Subcommittee; or
 2. A legislative committee in accordance with subsection (9)(c) of this section.
- (11) (a) Upon adjournment of the meeting at which a legislative committee has considered an administrative regulation pursuant to subsection (7) or (10) of this section, the legislative committee shall inform the regulations compiler of its findings, recommendations, or other action taken on the administrative regulation.
- (b) Following the meeting and before the next regularly scheduled meeting of the Commission, the legislative committee shall forward to the Commission its findings, recommendations, or other comments it deems appropriate in writing. The legislative

Unofficial Document

committee's findings shall be published in the Administrative Register.

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

- (1) The administrative body that promulgated an administrative regulation may request that consideration of the administrative regulation be deferred by a legislative committee.
- (2) The deferral of an administrative regulation scheduled for full review by the Administrative Regulation Review Subcommittee pursuant to subsection (1)(b)1., 2., or 5. of Section 12 of this Act shall be governed by KRS 13A.020(4) and the following:
 - (a) A request for deferral of an ordinary administrative regulation filed with the Commission shall be automatically granted if:
 1. The administrative body submits a written letter to the regulations compiler; and
 2. The letter is received by 12 noon, eastern time, at least five (5) calendar days prior to the subcommittee meeting;
 - (b) A request for deferral of an ~~effective administrative regulation or an~~ emergency administrative regulation may be granted if:
 1. The administrative body submits a written letter to the regulations compiler;
 2. The letter is received prior to the subcommittee meeting; and
 3. Approved by the co-chairs of the Administrative Regulation Review Subcommittee;
 - (c) A request for deferral may be granted at the discretion of the subcommittee if the request is made by the administrative body orally at a meeting of the subcommittee;
 - (d) The subcommittee may request that consideration of an administrative regulation be deferred by the promulgating administrative body. Upon receipt of the request, the promulgating administrative body may agree to defer consideration of the administrative regulation;

- (e) Except as provided in paragraph ~~(g)~~~~(f)~~ of this subsection, an administrative regulation that has been deferred **for full review** shall be placed on the agenda of the next scheduled meeting of the subcommittee. ~~[If it is an administrative regulation filed with the Commission,]~~The subcommittee shall consider the administrative regulation as if it had met all other requirements of filing. Repromulgation shall not be required in those cases;~~[and]~~
- (f) **1. A filed administrative regulation deferred under this subsection may still be placed on the agenda pursuant to subsection (3) or (4) of Section 18 of this Act for informational review.**
- 2. If a filed administrative regulation is placed on the agenda pursuant to subparagraph 1. of this paragraph, the full review of the filed administrative regulation shall still be deferred in accordance with this subsection; and**
- (g) An administrative regulation shall not be deferred under this subsection more than twelve (12) times.
- (3)~~[(a)]~~ The deferral of **an informational review for an**~~[a filed ordinary]~~ administrative regulation **scheduled by the Administrative Regulation Review Subcommittee pursuant to subsection (1)(b)3. or 4. of Section 12 of this Act**~~[referred to a second legislative committee or committees pursuant to KRS 13A.290(6) and (7)]~~ shall be governed by **KRS 13A.020(4) and the following**~~[this subsection and the voting requirements of KRS 13A.290(9).]~~
- ~~(a)~~~~(b)~~ **1. A request to defer an informational review for an administrative regulation that was placed on the subcommittee's agenda may be**~~[for deferral shall be automatically]~~ granted if:
- 1.**~~[a.]~~The administrative body submits a written letter to the regulations compiler;~~[~~
- ~~and]~~

Unofficial Document

~~2. [b.]~~ The letter is received prior to the subcommittee~~[legislative committee]~~ meeting;

and

3. *Approved by the co-chairs of the Administrative Regulation Review Subcommittee;*

~~(b) [2.]~~ A request for deferral may be granted at the discretion of the subcommittee~~[second legislative committee]~~ if the request is made by the administrative body orally at a meeting of the subcommittee~~[legislative committee]~~; and~~{~~

~~3. The legislative committee may request that consideration of an administrative regulation be deferred by the promulgating administrative body. Upon receipt of the request, the promulgating administrative body may agree to defer consideration of the administrative regulation.]~~

~~(c) [1.]~~ An informational review for an administrative regulation that is deferred may be placed on the~~[a subsequent]~~ agenda of the next scheduled meeting of the subcommittee~~[legislative committee or committees within the review period]~~.

~~2. If a filed ordinary administrative regulation that has been deferred is not placed on a subsequent agenda within the review period, the administrative regulation shall take effect at the expiration of the review period.]~~

(4) (a) The deferral of a filed ordinary or emergency~~[an effective]~~ administrative regulation assigned to a second~~[for an emergency administrative regulation under review by a]~~ legislative committee or committees for full review pursuant to subsections (6) and (7) of Section 12 of this Act shall be governed by this subsection and the voting requirements of KRS 13A.290(9).

(b) A request for deferral may be granted if:

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

Unofficial Document

2. The letter is received:
 - a. Prior to the legislative committee meeting for an emergency administrative regulation; or
 - b. By 12 noon, eastern time, at least five (5) calendar days prior to the legislative committee meeting for an ordinary administrative regulation;
and
3. Approved by the presiding chair or chairs.
- (c) A request for deferral may be granted at the discretion of the second legislative committee if the request is made by the administrative body orally at a meeting of the legislative committee.
- (d) 1. At a meeting of a legislative committee, the legislative committee may request that consideration of an administrative regulation be deferred by the administrative body. Upon receipt of the request, the administrative body may agree to defer consideration of the administrative regulation.
 2. ~~(e)~~ An administrative regulation that is deferred for full review may be placed on a subsequent agenda of the legislative committee or committees within the review period.
 3. Except as provided by subparagraph 4. of this paragraph, if a filed ordinary administrative regulation that has been deferred for full review is not placed on a subsequent agenda within the review period, the administrative regulation shall take effect at the expiration of the review period.
 4. a. If requested by the administrative body, an administrative regulation may be deferred beyond the review period for an additional ninety (90) days if the deferral is requested and approved as established by paragraphs (b) and (c) of this subsection.

- b. If a filed ordinary administrative regulation that has been deferred is not placed on a subsequent agenda within the additional ninety (90) days, the administrative regulation shall take effect at the expiration of the additional ninety (90) days.
- (e) 1. A filed administrative regulation deferred under this subsection may still be placed on the agenda for informational review pursuant to subsection (3) or (4) of Section 18 of this Act and subsection (8) of Section 12 of this Act.
2. If a filed administrative regulation is placed on the agenda pursuant to subparagraph 1. of this paragraph, the full review of the filed administrative regulation may be scheduled by the legislative committee at a subsequent meeting during the ninety (90) day review period.
- (5) (a) The deferral of an informational review for an administrative regulation scheduled by a second legislative committee pursuant to subsection (3) or (4) of Section 18 of this Act and subsection (8) of Section 12 of this Act shall be governed by this subsection and the voting requirements of subsection (9) of Section 12 of this Act.
- (b) A request to defer an informational review for an administrative regulation that was placed on the legislative committee's agenda may be granted if:
1. The administrative body submits a written letter to the regulations compiler;
 2. The letter is received prior to the legislative committee meeting; and
 3. Approved by the presiding chair or chairs.
- (c) A request for deferral of an informational review for an administrative regulation may be granted at the discretion of the legislative committee if the request is made by the administrative body orally at a meeting of the legislative committee.
- (d) An informational review for an administrative regulation that is deferred may be placed on a subsequent agenda of the legislative committee.

Unofficial Document

- (6)** Except as provided by KRS 13A.290(4), if a representative of an administrative body **with authority to amend, defer, and answer questions about a filed ordinary or emergency**~~[whose]~~ administrative regulation **that is on the agenda**~~[is scheduled]~~ for **full** review fails to appear before a legislative committee, the legislative committee in conformance with KRS 13A.290(9) may:
- (a) Defer the administrative regulation to **a subsequent**~~[the next regularly scheduled]~~ meeting of the legislative committee **within the review period; and**~~[or]~~
 - (b) Make a determination pursuant to KRS 13A.030(2), **(3), and (4)** or 13A.190(3).
- (7)** **If a representative of an administrative body with authority to defer and answer questions about an administrative regulation that was placed on the agenda for informational review pursuant to subsection (3) or (4) of Section 18 of this Act and subsection (8) of Section 12 of this Act fails to appear before the legislative committee, the legislative committee in conformance with subsection (9) of Section 12 of this Act may:**
- (a) Defer the informational review for the administrative regulation to a subsequent meeting of the legislative committee; and**
 - (b) Make a determination pursuant to subsections (2), (3), and (4) of Section 18 of this Act or subsection (3) of Section 3 of this Act.**
- (8)** **An administrative regulation found deficient by a legislative committee may be deferred in accordance with KRS 13A.020(4), Section 12 of this Act, and this section.**"; and

On page 58, after line 20, insert the following:

"➔Section 18. KRS 13A.030 is amended to read as follows:

- (1) The Administrative Regulation Review Subcommittee shall:
 - (a) Conduct a continuous study as to whether additional legislation or changes in legislation are needed based on various factors, including~~[,]~~ but not limited to, review

Unofficial Document

of new, emergency, and existing administrative regulations, the lack of administrative regulations, and the needs of administrative bodies;

- (b) Except as provided by KRS 158.6471 and 158.6472, review and comment upon effective administrative regulations pursuant to subsections (2), (3), and (4) of this section or administrative regulations filed with the Commission;
 - (c) Make recommendations for changes in statutes, new statutes, repeal of statutes affecting administrative regulations or the ability of administrative bodies to promulgate them; and
 - (d) Conduct such other studies relating to administrative regulations as may be assigned by the Commission.
- (2) The subcommittee may make a determination:
- (a) That an effective administrative regulation or an administrative regulation filed with the Commission is deficient because it:
 - 1. Is wrongfully promulgated;
 - 2. Appears to be in conflict with an existing statute;
 - 3. Appears to have no statutory authority for its promulgation;
 - 4. Appears to impose stricter or more burdensome state requirements than required by the federal mandate, without reasonable justification;
 - 5. Fails to use tiering when tiering is applicable;
 - 6. Is in excess of the administrative body's authority;
 - 7. Appears to impose an unreasonable burden on government or small business, or both;
 - 8. Is filed as an emergency administrative regulation without adequate justification of the emergency nature of the situation as described in KRS 13A.190(1);
 - 9. Has not been noticed in conformance with the requirements of KRS

Unofficial Document

13A.270(3);

10. Does not provide an adequate cost analysis pursuant to KRS 13A.250;[~~or~~]

11. **Was the subject of the subcommittee's instruction to an administrative body to appear under subsection (4) of this section and the administrative body failed to:**

a. Appear;

b. Make a good faith effort to answer subcommittee questions; or

c. Provide any information or data required by the subcommittee; or

12. Appears to be deficient in any other manner;

(b) That an administrative regulation is needed to implement an existing statute; or

(c) That an administrative regulation should be amended or repealed.

(3) The subcommittee may **conduct an informational** review **of** an effective administrative regulation **or an administrative regulation filed with the Commission** if requested by a member of the subcommittee.

(4) **(a)** The subcommittee may require any administrative body to **appear before it to answer questions or** submit data and information as required by the subcommittee in the performance of its duties under this chapter, and no administrative body shall fail to:

1. Appear before the subcommittee;

2. Make a good faith effort to answer subcommittee questions;

3. Provide ~~any~~ information or data required by the subcommittee; or

4. Perform any combination of subparagraphs 1., 2., and 3. of this paragraph required by the subcommittee.

(b) Either co-chair of the subcommittee may require action by an administrative body under paragraph (a) of this subsection on behalf of the subcommittee.

(5) At least five (5) calendar days before an informational review of an ordinary

Unofficial Document

administrative regulation, the subcommittee shall notify the affected administrative body."