

1 AN ACT relating to fiscal statements.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 6 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section, "fiscal note" means the Commonwealth of Kentucky state*
6 *fiscal note statement, which estimates the effect on expenditures and revenues of*
7 *state government in implementing or complying with any proposed act of the*
8 *General Assembly filed during a regular or special session.*

9 *(2) A fiscal note shall be filed with the clerk in the chamber of the General Assembly*
10 *in which the bill or resolution was introduced and attached to each copy of the*
11 *bill or resolution. A bill or resolution shall not be voted on by either chamber of*
12 *the General Assembly unless a fiscal note has been prepared and attached to the*
13 *bill or resolution.*

14 *(3) The director of the Legislative Research Commission shall:*

15 *(a) Create a standardized form and instructions for use in preparing fiscal*
16 *notes;*

17 *(b) Have the fiscal notes prepared by the Legislative Research Commission;*
18 *and*

19 *(c) Make the fiscal notes available to the public.*

20 *(4) A fiscal note shall contain the following information:*

21 *(a) Identifying information for the bill or resolution, including its number, title,*
22 *and sponsor;*

23 *(b) A brief summary of the bill or resolution;*

24 *(c) 1. A statement of whether the bill or resolution creates a fiscal impact;*
25 *and*

26 *2. If a fiscal impact is created:*

27 *a. An estimate of the expenditures and revenues that are impacted*

- 1 beginning with the initial year that a fiscal impact exists; and
- 2 b. i. An explanation of the bill or resolution's fiscal impact; or
- 3 ii. The reason for the omission of the fiscal impact, if one
- 4 cannot be estimated;
- 5 (d) A reference to the sources used for the data and information included in the
- 6 fiscal note; and
- 7 (e) The date the fiscal note was finalized.

8 ➔Section 2. KRS 6.950 is amended to read as follows:

9 As used in KRS 6.955 to 6.975, unless the context otherwise requires:

- 10 (1) "Local government mandate statement~~[Fiscal note]~~" means a realistic statement of
- 11 the estimated effect on expenditures or revenue of local government in
- 12 implementing or complying with any proposed act of the General Assembly
- 13 whether filed in regular session or prefiled during the interim, order, or
- 14 administrative law;~~[-]~~
- 15 (2) "Local government" means cities, counties or urban-county governments;and~~[-]~~
- 16 (3) "State mandate" means any state constitutional, legislative, or executive law or
- 17 order which requires any local government to establish, expand, or modify its
- 18 activities, programs, or structure in~~[such]~~ a way that affects~~[as to affect]~~
- 19 expenditures from local revenues.

20 ➔Section 3. KRS 6.955 is amended to read as follows:

- 21 (1) No bill or resolution which relates to any aspect of local government or any service
- 22 provided thereby shall be voted on by either chamber of the General Assembly
- 23 unless a local government mandate statement~~[fiscal note]~~ has been prepared and
- 24 attached to the bill pursuant to KRS 6.960, except that, if in the chamber in which
- 25 the bill is being considered, two-thirds (2/3) of the members elected vote to waive
- 26 the local government mandate statement~~[fiscal note]~~ requirement, no
- 27 statement~~[note]~~ shall be required. The local government mandate statement~~[fiscal~~

1 ~~note~~] waiver shall be certified by the clerk of the chamber in which the bill is being
2 considered, and ~~the~~^[such] certification shall be attached to the bill. Although
3 waived in one (1) chamber, a local government mandate statement~~[fiscal note]~~
4 shall be required when the bill goes to the other chamber unless a majority of the
5 members elected to ~~the~~^[such] chamber vote to waive the local government
6 mandate statement~~[fiscal note]~~ requirement.

7 (2) An executive order which relates to any aspect of local government or any service
8 provided thereby shall not be issued unless a local government mandate
9 statement~~[fiscal note]~~ has been prepared and made a part of the order pursuant to
10 KRS 6.960.

11 ➔Section 4. KRS 6.960 is amended to read as follows:

12 (1) The director of the Legislative Research Commission shall have the local
13 government mandate statement~~[fiscal note]~~ prepared by the Legislative Research
14 Commission or by other departments or agencies of state government for any bill
15 introduced before the General Assembly which relates to any aspect of local
16 government or any service provided thereby. Departments or agencies of state
17 government so requested by the director shall comply with the request within seven
18 (7) working days of receipt. The local government mandate statement~~[fiscal note]~~
19 shall be filed with the clerk in the chamber of the General Assembly in which the
20 bill was introduced and attached to each copy of the bill.

21 (2) The secretary of finance shall have the local government mandate statement~~[fiscal~~
22 ~~note]~~ prepared by the Finance and Administration Cabinet or by other departments
23 or agencies of state government for any order promulgated by an executive
24 department or agency which relates to any aspect of local government or any
25 service provided thereby. The director of the Legislative Research Commission
26 shall determine the form of the statements~~[such notes]~~. The secretary may request
27 the advice or assistance of the Legislative Research Commission in the preparation

1 of the local government mandate statement~~[fiscal note]~~. The local government
2 mandate statement~~[fiscal note]~~ shall be attached to each copy of the order.

3 ➔Section 5. KRS 6.965 is amended to read as follows:

4 (1) A local government mandate statement~~[fiscal note]~~ shall state whether the bill or
5 order is determined to be a state mandate. This~~[Such]~~ determination shall be made
6 by the director of the Legislative Research Commission except as provided by
7 subsection (2) of this section. If the bill or order is a state mandate, the local
8 government mandate statement~~[note]~~ shall contain an estimate of the effect the law
9 will have on expenditures or revenues of local government for the first full fiscal
10 year the law is to be in effect.

11 (2) The director, at his or her discretion, may seek a certification from the Attorney
12 General on the question of whether a bill or order constitutes a state mandate. The
13 Attorney General shall, within seven (7) working days from receipt of the request,
14 certify to the director that the bill or order is or is not a state mandate.

15 (3) If any bill or order is amended after the preparation of the local government
16 mandate statement~~[fiscal note]~~, it shall be resubmitted to the person responsible for
17 preparation of the local government mandate statement~~[note]~~ who shall reevaluate
18 the bill or order as amended and change the local government mandate
19 statement~~[fiscal note]~~ in accordance therewith.

20 (4) Copies of the local government mandate statement~~[fiscal note]~~ shall be furnished
21 by the Legislative Research Commission to any local official upon written request.

22 ➔Section 6. KRS 6.970 is amended to read as follows:

23 The Legislative Research Commission shall be responsible for compiling, analyzing, and
24 collecting fiscal and other information from local governments necessary for the
25 preparation of local government mandate statements~~[fiscal notes]~~. An information
26 system shall be developed and designed to provide sufficient continuing information on
27 the financial condition of local government which can be readily utilized for the

1 preparation of local government mandate statements~~[fiscal notes]~~. In the development of
2 this information system, the Legislative Research Commission shall:

- 3 (1) Compile, analyze, and maintain in a unified, concise, and orderly form, information
4 on the nature and impact of existing state mandates and state programs which
5 involve the distribution of funds to local government; and
6 (2) Continuously compile, analyze, and maintain fiscal and other relevant information
7 which is required by statute or regulation to be prepared by local governments.

8 ➔Section 7. KRS 13A.190 is amended to read as follows:

- 9 (1) An emergency administrative regulation is an administrative regulation that:
10 (a) An administrative body can clearly demonstrate, through documentary
11 evidence submitted with the filing of the emergency administrative regulation,
12 must be placed into effect immediately in order to:
13 1. Meet an imminent threat to public health, safety, welfare, or the
14 environment;
15 2. Prevent an imminent loss of federal or state funds;
16 3. Meet an imminent deadline for the promulgation of an administrative
17 regulation that is established by state statute or federal law; or
18 4. Comply with an executive order issued under KRS Chapter 39A; 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
21 administrative regulation as provided in this section.

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

- 24 (2) An agency's finding of an emergency pursuant to this section shall not be based on
25 the agency's failure to timely process and file administrative regulations through the
26 ordinary administrative regulation process.
27 (3) An emergency administrative regulation:

- 1 (a) Shall become effective and shall be considered as adopted upon filing;
- 2 (b) Shall be published in the Administrative Register in accordance with the
3 publication deadline established in KRS 13A.050(3);
- 4 (c) Shall be subject to the public comment provisions established in KRS
5 13A.270 and 13A.280;
- 6 (d) 1. May be reviewed at a subsequent meeting of a legislative committee
7 after the filing of the emergency administrative regulation; and
8 2. May, by a vote of the majority of the legislative committee's
9 membership as established by KRS 13A.020(4) and 13A.290(9), be
10 found to be deficient, and the deficiency shall be reported to the
11 Governor pursuant to KRS 13A.330(2); and
- 12 (e) May be amended:
- 13 1. By the promulgating administrative body after receiving public
14 comments as established in KRS 13A.280. The amended after
15 comments version shall:
- 16 a. Become effective upon filing; and
17 b. Not require a statement of emergency; or
- 18 2. At a legislative committee meeting as established in KRS 13A.320. The
19 amendment shall be approved as established by KRS 13A.020(4) or
20 KRS 13A.290(9). The amended version shall become effective upon
21 adjournment of the meeting following the procedures established in
22 KRS 13A.020(4) or 13A.331(1) and (2).
- 23 (4) (a) Except as provided by paragraph (b) of this subsection, emergency
24 administrative regulations shall expire two hundred seventy (270) days after
25 the date of filing or when the same matter filed as an ordinary administrative
26 regulation filed for review is adopted, whichever occurs first.
- 27 (b) If an administrative body extends the time for filing a statement of

1 consideration for an ordinary administrative regulation as provided by KRS
2 13A.280(2)(b), an emergency administrative regulation shall remain in effect
3 for two hundred seventy (270) days after the date of filing plus the number of
4 days extended under the provisions of KRS 13A.280(2)(b) or when the same
5 matter filed as an ordinary administrative regulation filed for review is
6 adopted, whichever occurs first.

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

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

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

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

- 21 (a) The nature of the emergency;
- 22 (b) The reasons why an ordinary administrative regulation is not sufficient;
- 23 (c) Whether or not the emergency administrative regulation will be replaced by
24 an ordinary administrative regulation;
- 25 (d) If the emergency administrative regulation will be replaced by an ordinary
26 administrative regulation, the following statement: "The ordinary
27 administrative regulation (is or is not) identical to this emergency

1 administrative regulation.";

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

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

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

6 1. Statement of emergency required by subsection (7) of this section to the
7 front of the original and each copy of a proposed emergency
8 administrative regulation;

9 2. Public hearing and public comment period information required by KRS
10 13A.270(2), regulatory impact analysis, tiering statement, federal
11 mandate comparison, fiscal note on state or local government, summary
12 of material incorporated by reference if applicable, and other forms or
13 documents required by the provisions of this chapter to the back of the
14 emergency administrative regulation; and

15 3. Documentary evidence submitted justifying the finding of an emergency
16 in accordance with subsection (1) of this section to the back of the
17 emergency regulation if it is:

18 a. No more than ten (10) pages in length; and

19 b. Typewritten on white paper, size eight and one-half (8-1/2) by
20 eleven (11) inches, and single-sided.

21 Larger volumes of documentary evidence shall be filed in a separate
22 binder, on a CD-ROM or DVD disc, or in a different electronic format
23 approved by the regulations compiler.

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

25 1. The original and four (4) copies of the emergency administrative
26 regulation; and

27 2. At the same time as, or prior to, filing the paper version, an electronic

1 version of the emergency administrative regulation and the attachments
2 required by paragraph (a) of this subsection saved as a single document
3 for each emergency administrative regulation in an electronic format
4 approved by the regulations compiler.

- 5 (c) 1. Each original emergency administrative regulation shall be single-sided
6 and stapled in the top left corner.
7 2. One (1) of the copies shall be single-sided and unstapled.
8 3. The other three (3) copies shall be stapled in the top left corner and may
9 be double-sided.
10 4. The original and the four (4) copies of each emergency administrative
11 regulation shall be grouped together.

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) If an emergency administrative regulation will be replaced by an ordinary
22 administrative regulation, the ordinary administrative regulation shall be filed at the
23 same time as the emergency administrative regulation that it will replace.

24 (12) If an ordinary administrative regulation that was filed to replace an emergency
25 administrative regulation:

26 (a) Is withdrawn:

27 1. The emergency administrative regulation shall expire on the date the

- 1 ordinary administrative regulation is withdrawn; and
- 2 2. The administrative body shall inform the regulations compiler of the
- 3 reasons for withdrawal in writing; or
- 4 (b) Expires, the emergency administrative regulation shall expire on the date the
- 5 ordinary administrative regulation expires pursuant to KRS 13A.315(1).
- 6 (13) (a) If an emergency administrative regulation that was intended to be replaced by
- 7 an ordinary administrative regulation is withdrawn, the emergency
- 8 administrative regulation shall expire on the date it is withdrawn.
- 9 (b) If an emergency administrative regulation has been withdrawn, the ordinary
- 10 administrative regulation that was filed with it shall not expire unless the
- 11 administrative body informs the regulations compiler that the ordinary
- 12 administrative regulation is also withdrawn.
- 13 (c) If an emergency administrative regulation is withdrawn, the administrative
- 14 body shall inform the regulations compiler of the reasons for withdrawal in
- 15 writing.
- 16 (14) The administrative regulations compiler shall notify all legislative committees of
- 17 the number, title, and subject matter of all emergency administrative regulations
- 18 and shall forward any additional information filed about the emergency
- 19 administrative regulation requested by a legislative committee.
- 20 ➔Section 8. KRS 13A.230 is amended to read as follows:
- 21 (1) The administrative body shall attach the following forms to the back of the original
- 22 and each copy of an administrative regulation:
- 23 (a) Regulatory impact analysis as required by KRS 13A.240;
- 24 (b) Tiering statement as required by KRS 13A.210;
- 25 (c) Fiscal note ***on state or local government*** as required by KRS 13A.250;
- 26 (d) Federal mandate comparison, if applicable, as required by KRS 13A.245; and
- 27 (e) The summaries provided for in KRS 13A.2245, 13A.2251, or 13A.2255, if

1 applicable.

2 (2) The forms required by subsection (1) of this section shall be obtained from the
3 regulations compiler.

4 (3) The electronic version of an administrative regulation and the attachments required
5 by subsection (1) of this section shall be sent by e-mail to the regulations compiler
6 in a single document at the same time as, or prior to, filing the paper version in
7 accordance with KRS 13A.190, 13A.220, or 13A.280 in an electronic format
8 approved by the regulations compiler.

9 ➔Section 9. KRS 13A.250 is amended to read as follows:

10 (1) An administrative body that promulgates an administrative regulation shall consider
11 the cost that the administrative regulation may cause state or local government and
12 regulated entities to incur.

13 (2) (a) A two (2) part cost analysis shall be completed for each administrative
14 regulation.

15 (b) The first part of the cost analysis shall include the projected cost or cost
16 savings to the Commonwealth of Kentucky and each of its affected agencies,
17 and the projected cost or cost savings to affected local governments, including
18 cities, counties, fire departments, and school districts.

19 (c) The second part of the cost analysis shall include the projected cost or cost
20 savings to the regulated entities affected by the administrative regulation.

21 (d) Agencies or entities affected by the administrative regulation may submit
22 comments in accordance with KRS 13A.270(1) to the promulgating
23 administrative body or to a legislative committee reviewing the administrative
24 regulation.

25 (3) Each administrative body that promulgates an administrative regulation shall
26 prepare and submit with the administrative regulation a fiscal note **on state or local**
27 **government**. The fiscal note **on state or local government** shall state:

- 1 (a) The number of the administrative regulation;
- 2 (b) The name, email address, and telephone number of the contact person of the
3 administrative body identified pursuant to KRS 13A.220(6)(d), and, if
4 applicable, the name, email address, and telephone number of an alternate
5 person to be contacted with specific questions about the fiscal note *on state or*
6 *local government*;
- 7 (c) Each unit, part, or division of state or local government the administrative
8 regulation will affect;
- 9 (d) Whether the administrative regulation was expressly authorized by an act of
10 the General Assembly, and if so, identification of the act;
- 11 (e) In detail, the aspect or service of state or local government to which the
12 administrative regulation relates, including identification of the applicable
13 state or federal statute or regulation that mandates the aspect or service or
14 authorizes the action taken by the administrative regulation;
- 15 (f) The estimated effect of the administrative regulation on the expenditures and
16 revenues of a state or local government agency or regulated entity for the first
17 full year the administrative regulation will be in effect and any subsequent
18 year the administrative regulation will be in effect. The administrative body
19 shall provide a narrative to explain the fiscal impact of the administrative
20 regulation and the methodology and resources it used to determine the fiscal
21 impact; and
- 22 (g) 1. The conclusion of the promulgating administrative body as to whether
23 the administrative regulation will have a major economic impact on state
24 and local government and regulated entities for the first full year the
25 administrative regulation will be in effect and for subsequent years if
26 different; and
- 27 2. An explanation of the methodology and resources used by the

1 administrative body to reach this conclusion.

2 (4) If an administrative body files an amendment to an administrative regulation
3 pursuant to KRS 13A.320(3) for a legislative committee meeting, the administrative
4 body shall:

5 (a) Consider the cost of the amendment as established in subsection (2) of this
6 section; and

7 (b) Prepare and submit a fiscal note on state or local government as established
8 in subsection (3) of this section.

9 (5) Any administrative body may request the advice and assistance of the Commission
10 in the preparation of the fiscal note on state or local government.

11 ➔Section 10. KRS 13A.280 is amended to read as follows:

12 (1) Following the last day of the comment period, the administrative body shall give
13 consideration to all comments received at the public hearing and all written
14 comments received during the comment period, including:

15 (a) Any report filed by the Commission on Small Business Innovation and
16 Advocacy in accordance with KRS 11.202(1)(e) and 13A.270(4), or by a local
17 government in accordance with KRS 11.202(1)(e) and 13A.270(5); and

18 (b) Any comments regarding the administrative regulation's major economic
19 impact as submitted by agencies, local governments, or regulated entities.

20 (2) (a) Except as provided in paragraph (b) of this subsection, the administrative
21 body shall file with the Commission on or before 12 noon, eastern time, on
22 the fifteenth day of the calendar month following the end of the public
23 comment period the statement of consideration relating to the administrative
24 regulation and, if applicable, the amended after comments version.

25 (b) If the administrative body has received a significant number of public
26 comments:

27 1. It may extend the time for filing the statement of consideration for an

- 1 ordinary administrative regulation and, if applicable, the amended after
2 comments version by notifying the regulations compiler in writing on or
3 before 12 noon, eastern time, on the fifteenth day of the calendar month
4 following the end of the public comment period; and
- 5 2. The administrative body shall file the statement of consideration for an
6 ordinary administrative regulation and, if applicable, the amended after
7 comments version, with the Commission on or before 12 noon, eastern
8 time, no later than the fifteenth day of the second calendar month
9 following the end of the public comment period.
- 10 (3) (a) If the administrative regulation is amended as a result of the hearing or written
11 comments received, the administrative body shall file the items specified in
12 this paragraph with the regulations compiler by 12 noon, eastern time, on the
13 applicable deadline specified in subsection (2) of this section:
- 14 1. The original and four (4) copies of the administrative regulation
15 indicating any amendments resulting from comments received at the
16 public hearing and during the comment period. The amendments shall
17 be indicated in:
- 18 a. The original wording for an ordinary administrative regulation;
19 b. The original wording for an emergency administrative regulation;
20 or
21 c. The wording of an emergency administrative regulation as
22 amended, for an emergency administrative regulation that was
23 amended at a legislative committee meeting pursuant to KRS
24 13A.190(3);
- 25 2. The original and four (4) copies of the statement of consideration as
26 required by subsection (2) of this section, attached to the back of the
27 original and each copy of the administrative regulation; and

- 1 3. The regulatory impact analysis, tiering statement, federal mandate
2 comparison if applicable, and fiscal note *on state and local government*.
3 These documents shall reflect changes resulting from amendments made
4 after the public hearing.
- 5 (b) 1. Each original amended after comments version, the statement of
6 consideration, and the attachments required by paragraph (a)3. of this
7 subsection shall be single-sided and stapled in the top left corner.
- 8 2. One (1) of the copies shall be single-sided and unstapled.
- 9 3. The other three (3) copies shall be stapled in the top left corner and may
10 be double-sided.
- 11 (c) At the same time as, or prior to, filing the paper version, the administrative
12 body shall file an electronic version of the amended after comments version,
13 the statement of consideration, and the required attachments saved as a single
14 document for each amended after comments administrative regulation in an
15 electronic format approved by the regulations compiler.
- 16 (d) Within five (5) working days after filing an amended after comments version,
17 an administrative body shall:
- 18 1. Prominently display on its website:
- 19 a. A notice that an amended after comments version has been filed
20 with the Commission;
- 21 b. A summary of the amended after comments version, including:
- 22 i. The number of the administrative regulation;
- 23 ii. The title of the administrative regulation; and
- 24 iii. A brief explanation of the changes made; and
- 25 c. Information on how to access the amended after comments version
26 on the Commission's website; and
- 27 2. Email the amended after comments version and statement of

1 consideration as filed, and all attachments required by paragraph (a)3. of
2 this subsection, to every person who has registered pursuant to KRS
3 13A.270(3)(a)2. and provided an email address as part of the registration
4 request.

5 (e) Material incorporated by reference that is amended after comments shall be
6 filed, and if applicable, displayed in the manner required by KRS 13A.2255.

7 (4) (a) 1. If the administrative regulation is not amended as a result of the public
8 hearing, or written comments received, the administrative body shall file
9 the original and four (4) copies of the statement of consideration with
10 the regulations compiler by 12 noon, eastern time, on the deadline
11 established in subsection (2) of this section.

12 2. Each original statement of consideration shall be single-sided and
13 stapled in the top left corner.

14 3. One (1) of the copies shall be single-sided and unstapled.

15 4. The other three (3) copies shall be stapled in the top left corner and may
16 be double-sided.

17 (b) If the statement of consideration covers multiple administrative regulations
18 that were not amended as a result of the public hearing or written comments
19 received, the administrative body shall file with the regulations compiler:

20 1. The original and four (4) copies of the statement of consideration as
21 required by paragraph (a) of this subsection; and

22 2. Two (2) additional unstapled, single-sided copies of the statement of
23 consideration for each additional administrative regulation included in
24 the group of administrative regulations.

25 (c) At the same time as, or prior to, filing the paper version, the administrative
26 body shall file an electronic version of the statement of consideration saved as
27 a single document for each statement of consideration in an electronic format

- 1 approved by the regulations compiler.
- 2 (5) (a) If comments are received either at the public hearing or during the public
3 comment period, the administrative regulation shall be deferred to the next
4 regularly scheduled meeting of the subcommittee following the month in
5 which the statement of consideration is due.
- 6 (b) A filed administrative regulation that is deferred under this subsection due to
7 receipt of public comments may still be placed on the subcommittee's agenda
8 for informational review pursuant to KRS 13A.030(3) or (4).
- 9 (c) If a filed administrative regulation is placed on the agenda pursuant to
10 paragraph (b) of this subsection, the full review of the filed administrative
11 regulation shall still be deferred in accordance with this subsection.
- 12 (6) The format for the statement of consideration shall be as follows:
- 13 (a) The statement shall be typewritten on white paper, size eight and one-half (8-
14 1/2) by eleven (11) inches. Copies of the statement may be mechanically
15 reproduced;
- 16 (b) The first page of the statement of consideration shall have a two (2) inch top
17 margin;
- 18 (c) The heading of the statement shall consist of the words "STATEMENT OF
19 CONSIDERATION RELATING TO" followed by the number of the
20 administrative regulation that was the subject of the public hearing and
21 comment period and the name of the promulgating administrative body. The
22 heading shall be centered. This shall be followed by the words "Not Amended
23 After Comments," "Emergency Not Amended After Comments," "Amended
24 After Comments," or "Emergency Amended After Comments," whichever is
25 applicable;
- 26 (d) If a hearing has been held or written comments received, the heading is to be
27 followed by:

- 1 1. A statement setting out the date, time, and place of the hearing, if the
- 2 hearing was held;
- 3 2. A list of those persons who attended the hearing or who submitted
- 4 comments and the organization, agency, or other entity represented, if
- 5 applicable; and
- 6 3. The name and title of the representative of the promulgating
- 7 administrative body;
- 8 (e) 1. Following the general information, the promulgating administrative
- 9 body shall summarize the comments received at the public hearing and
- 10 during the comment period and the response of the promulgating
- 11 administrative body. Each subject commented upon shall be
- 12 summarized in a separate numbered paragraph. Each numbered
- 13 paragraph shall contain two (2) subsections:
- 14 a. Subsection (a) shall be labeled "Comment," shall identify the name
- 15 of the person, and the organization represented if applicable, who
- 16 made the comment, and shall contain a summary of the comment;
- 17 and
- 18 b. Subsection (b) shall be labeled "Response" and shall contain the
- 19 response to the comment by the promulgating administrative body.
- 20 2. If administrative regulations were considered as a group and a comment
- 21 relates to one (1) or more of the administrative regulations, the summary
- 22 of the comment and response shall specify each administrative
- 23 regulation to which it applies;
- 24 (f) 1. Following the summary of the comments and responses, the
- 25 promulgating administrative body shall summarize the statement of
- 26 consideration and the action taken by the administrative body as a result
- 27 of comments received at the public hearing and during the comment

1 period.

2 2. If administrative regulations were considered as a group, a separate
3 summary and action taken shall be provided for each administrative
4 regulation; and

5 (g) Emergency administrative regulations shall be in a separate statement of
6 consideration from ordinary administrative regulations.

7 (7) If the administrative regulation is amended pursuant to subsection (3) of this
8 section, the full text of the administrative regulation shall be published in the
9 Administrative Register. The changes made to the administrative regulation shall be
10 typed in bold and made in the format prescribed by KRS 13A.222(2). The
11 administrative regulation shall be reviewed by the Administrative Regulation
12 Review Subcommittee after ~~the~~^[such] publication.

13 (8) If requested, copies of the statement of consideration and, if applicable, the
14 amended after comments version of the administrative regulation shall be made
15 available by the promulgating administrative body to persons attending the hearing
16 or submitting comments or who specifically request a copy from the administrative
17 body.

18 ➔Section 11. KRS 13A.320 is amended to read as follows:

19 (1) (a) An administrative body may amend a filed ordinary or emergency
20 administrative regulation at a legislative committee meeting with the consent
21 of the legislative committee. A legislative committee may amend a filed
22 ordinary or emergency administrative regulation at a legislative committee
23 meeting with the consent of the administrative body.

24 (b) An administrative regulation shall not be amended at a public meeting of a
25 legislative committee unless the amendment concerns an issue that was
26 related to the administrative regulation filed with the Legislative Research
27 Commission and was:

- 1 1. Considered at the public hearing;
- 2 2. Raised pursuant to a comment received by the administrative body at the
- 3 public hearing or during the public comment period pursuant to KRS
- 4 13A.280(1); or
- 5 3. Raised during the legislative committee meeting.
- 6 (c) Nothing in this chapter shall be construed to require the administrative
- 7 regulation's resubmission or refileing or other action. The administrative
- 8 regulation may be adopted as amended.
- 9 (d) Following approval of an amendment to an administrative regulation at a
- 10 legislative committee meeting, the administrative regulation as amended shall
- 11 be published in the Administrative Register, unless all amendments to the
- 12 administrative regulation that were made at the meeting of the legislative
- 13 committee:
- 14 1. Relate only to the formatting and drafting requirements of KRS
- 15 13A.220(5) and 13A.222(4)(b), (c), (i), (j), and (l); and
- 16 2. Do not alter the intent, meaning, conditions, standards, or other
- 17 requirements of the administrative regulation.
- 18 (e) If the amendments to an administrative regulation made at a meeting of a
- 19 legislative committee meet the exception requirements of paragraph (d) of this
- 20 subsection, the regulations compiler shall publish a notice in the
- 21 Administrative Register that the administrative regulation was amended at a
- 22 legislative committee meeting only to comply with the formatting and drafting
- 23 requirements of this chapter.
- 24 (2) If an administrative body intends to amend an administrative regulation at a
- 25 meeting of a legislative committee, the following requirements shall be met:
- 26 (a) An amendment offered by the administrative body prior to a legislative
- 27 committee meeting shall be approved by the head of the administrative body;

1 (b) The amendment shall be contained in a letter to the legislative committee. The
2 letter shall:

- 3 1. Identify the administrative body;
- 4 2. State the number and title of the administrative regulation;
- 5 3. Be dated; and
- 6 4. Be filed with the regulations compiler; and

7 (c) The amendment shall be made in one (1) of the following formats:

- 8 1. a. On separate lines, the amendment shall be identified by the
9 number of the:
 - 10 i. Page;
 - 11 ii. Section, subsection, paragraph, subparagraph, clause, or
12 subclause, as appropriate; and
 - 13 iii. Line.
- 14 b. If a word or phrase, whether or not underlined, is to be deleted, the
15 amendment shall identify the word or phrase to be deleted and
16 state that it is to be deleted. If a word or phrase is to be replaced by
17 another word or phrase, the amendment shall specify the word or
18 phrase that is to be deleted and shall specify the word or phrase
19 that is to be inserted in lieu thereof.
- 20 c. If new language is to be inserted, the amendment shall state that it
21 is to be inserted, and the new language shall be underlined.
- 22 d. If the amendment consists of no more than four (4) words, the
23 words shall be placed between quotation marks. If the amendment
24 consists of more than four (4) words, the amendment shall be
25 indented and not placed between quotation marks.
- 26 e. If a section, subsection, paragraph, subparagraph, clause, or
27 subclause is to be deleted in its entirety, the amendment shall

- 1 identify it and state that it is deleted in its entirety, whether or not
2 it contains underlined or bracketed language; or
- 3 2. a. By substituting the complete text of the administrative regulation,
4 with the proposed changes made to the administrative regulation
5 typed in bold, italicized, and in the format prescribed by KRS
6 13A.222(2).
- 7 b. i. If the amendment is initiated by the administrative body, the
8 administrative body shall submit at the same time as, or prior
9 to, filing the paper version, an electronic version of the
10 amendment in a format approved by the regulations
11 compiler.
- 12 ii. If there are differences between the paper copy and the
13 electronic version of the amendment, the electronic version
14 shall be the controlling version.
- 15 (3) If the amendment is initiated by the administrative body, the amendment shall be:
- 16 (a) Filed at least three (3) working days prior to the meeting of the legislative
17 committee;
- 18 (b) Filed with an updated fiscal note *on state or local government* as established
19 by KRS 13A.250(4);
- 20 (c) Filed with a summary of the amendment and an explanation of its intent; and
- 21 (d) Emailed as soon as practicable to every person who has registered pursuant to
22 KRS 13A.270(3)(a)2. and provided an email address as part of the registration
23 request.
- 24 (4) An amendment to an administrative regulation may be made orally at a legislative
25 committee meeting if the requirements of subsection (1)(a) of this section are met.
- 26 (5) Except for an amendment made orally pursuant to subsection (4) of this section:
- 27 (a) For a meeting of the Administrative Regulation Review Subcommittee, an

1 administrative body shall submit fifteen (15) copies of an amendment to an
2 administrative regulation to the regulations compiler prior to the
3 Administrative Regulation Review Subcommittee meeting at which the
4 amendment will be considered and, if applicable, in accordance with the
5 deadline established in subsection (3)(a) of this section; or
6 (b) For a meeting of a legislative committee other than the Administrative
7 Regulation Review Subcommittee, an administrative body shall contact the
8 regulations compiler prior to the legislative committee meeting at which the
9 amendment will be considered to find out the number of copies needed for
10 that specific legislative committee. The original amendment and the specified
11 number of copies shall be submitted to the regulations compiler prior to the
12 legislative committee meeting at which the amendment will be considered
13 and, if applicable, in accordance with the deadline established in subsection
14 (3)(a) of this section.