

1 AN ACT relating to administrative regulations.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 13A IS CREATED TO
4 BE NUMBERED AS KRS 13A.336 AND TO READ AS FOLLOWS:

5 *(1) After the last regularly scheduled meeting of the Administrative Regulation*
6 *Review Subcommittee in a calendar year, but by the thirty-first day of December*
7 *of that calendar year, the staff of the Administrative Regulation Review*
8 *Subcommittee shall submit a report to the co-chairs of that subcommittee*
9 *regarding administrative regulations that were found deficient by any*
10 *subcommittee of the Commission during that calendar year.*

11 *(2) The report shall not contain any administrative regulation that was found*
12 *deficient and:*

13 *(a) Has been withdrawn; or*

14 *(b) Is no longer considered deficient under Section 9 of this Act.*

15 *(3) The report shall contain at least the following information for each*
16 *administrative regulation in the report:*

17 *(a) Administrative regulation number and title;*

18 *(b) Name of the promulgating agency;*

19 *(c) Date of deficiency determination;*

20 *(d) Name of the subcommittee that made the deficiency determination;*

21 *(e) Effective date, if it is in effect;*

22 *(f) The finding of deficiency and any other findings, recommendations, or*
23 *comments sent to the Governor; and*

24 *(g) If received, the Governor's determination regarding the deficiency.*

25 *(4) The first page of the report required by subsection (1) of this section shall contain*
26 *the following text, in fourteen (14) point font or larger:*

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

1 *legislator may request that Legislative Research Commission staff prepare a bill:*
 2 *(a) Declaring that one (1) or more administrative regulations listed in the*
 3 *report shall be void; or*
 4 *(b) Amending the relevant subject matter statutes in conformity with the*
 5 *findings of deficiency."*

6 ➔Section 2. KRS 13A.190 is amended to read as follows:

- 7 (1) An emergency administrative regulation is one that:
- 8 (a) Must be placed into effect immediately in order to:
- 9 1. Meet an imminent threat to public health, safety, or welfare;
- 10 2. Prevent a loss of federal or state funds;
- 11 3. Meet a deadline for the promulgation of an administrative regulation that
- 12 is established by state statute or federal law; or
- 13 4. Protect human health and the environment; 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 (2) Emergency administrative regulations shall become effective and shall be
- 18 considered as adopted upon filing. Emergency administrative regulations shall be
- 19 published in the Administrative Register in accordance with the publication
- 20 deadline established in KRS 13A.050(3).
- 21 (3) (a) Except as provided by paragraph (b) of this subsection, emergency
- 22 administrative regulations shall expire *two hundred forty (240)*~~one hundred~~
- 23 ~~eighty (180)~~ days after the date of filing or when the same matter filed as an
- 24 ordinary administrative regulation filed for review is adopted, whichever
- 25 occurs first.
- 26 (b) If an administrative body extends the time for filing a statement of
- 27 consideration as provided by KRS 13A.280(2)(b), an emergency

1 administrative regulation shall remain in effect for two hundred forty
2 (240)~~one hundred eighty (180)~~ days after the date of filing plus the number
3 of days extended under the provisions of KRS 13A.280(2)(b) or when the
4 same matter filed as an ordinary administrative regulation filed for review is
5 adopted, whichever occurs first.

6 (4) Except as established in subsection (5) of this section, an emergency administrative
7 regulation with the same number or title or governing the same subject matter shall
8 not be filed for a period of nine (9) months after it has been initially filed. No other
9 emergency administrative regulation that is identical to the previously filed
10 emergency administrative regulation shall be promulgated.

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

17 (6) Each emergency administrative regulation shall contain a statement of:

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

- 1 (f) If applicable, the explanation required by subsection (5) of this section.
- 2 (7) (a) An administrative body shall attach the:
- 3 1. Statement of emergency required by subsection (6) of this section to the
- 4 front of the original and each copy of a proposed emergency
- 5 administrative regulation; and
- 6 2. Regulatory impact analysis, tiering statement, federal mandate
- 7 comparison, fiscal note, summary of material incorporated by
- 8 reference if applicable, and other forms or documents required by
- 9 the provisions of this chapter to the back of the emergency
- 10 administrative regulation.
- 11 (b) An administrative body shall file with the regulations compiler:
- 12 1. The original and five (5) copies of the emergency administrative
- 13 regulation; and
- 14 2. At the same time as, or prior to, filing the paper version, an electronic
- 15 version of the emergency administrative regulation and the attachments
- 16 required by paragraph (a) of this subsection saved as a single document
- 17 for each emergency administrative regulation in an electronic format
- 18 approved by the regulations compiler.
- 19 (c) The original and four (4) copies of each emergency administrative regulation
- 20 shall be stapled in the top left corner. The fifth copy of each emergency
- 21 administrative regulation shall not be stapled. The original and the five (5)
- 22 copies of each emergency administrative regulation shall be grouped together.
- 23 (8) (a) If an emergency administrative regulation will not be replaced by an ordinary
- 24 administrative regulation, the administrative body shall schedule a public
- 25 hearing and public comment period pursuant to KRS 13A.270(1). The public
- 26 hearing and public comment period information required by KRS 13A.270(2)
- 27 shall be attached to the back of the emergency administrative regulation.

- 1 (b) If an emergency administrative regulation will be replaced by an ordinary
2 administrative regulation:
- 3 1. The ordinary administrative regulation shall be filed at the same time as
4 the emergency administrative regulation that will be replaced; and
- 5 2. A public hearing and public comment period shall not be required for
6 the emergency administrative regulation.
- 7 (9) The statement of emergency shall have a two (2) inch top margin. The number of
8 the emergency administrative regulation shall be typed directly below the heading
9 "Statement of Emergency." The number of the emergency administrative regulation
10 shall be the same number as the ordinary administrative regulation followed by an
11 "E."
- 12 (10) Each executive department emergency administrative regulation shall be signed by
13 the head of the administrative body and countersigned by the Governor prior to
14 filing with the Commission. These signatures shall be on the statement of
15 emergency attached to the front of the emergency administrative regulation.
- 16 (11) (a) If an ordinary administrative regulation that was filed to replace an emergency
17 administrative regulation is withdrawn, the emergency administrative
18 regulation shall expire on the date the ordinary administrative regulation is
19 withdrawn.
- 20 (b) If an ordinary administrative regulation that was filed to replace an emergency
21 administrative regulation is withdrawn, the administrative body shall inform
22 the regulations compiler of the reasons for withdrawal in writing.
- 23 (12) (a) If an emergency administrative regulation that was intended to be replaced by
24 an ordinary administrative regulation is withdrawn, the emergency
25 administrative regulation shall expire on the date it is withdrawn.
- 26 (b) If an emergency administrative regulation has been withdrawn, the ordinary
27 administrative regulation that was filed with it shall not expire unless the

1 administrative body informs the regulations compiler that the ordinary
2 administrative regulation is also withdrawn.

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

6 (13) A subcommittee may review an emergency administrative regulation and may
7 recommend to the Governor that the administrative regulation be withdrawn.

8 ➔Section 3. KRS 13A.290 is amended to read as follows:

9 (1) (a) Except as provided by KRS 158.6471 and 158.6472, the Administrative
10 Regulation Review Subcommittee shall meet monthly to review
11 administrative regulations prior to close of business on the fifteenth day of the
12 calendar month.

13 (b) The agenda shall:

- 14 1. Include each administrative regulation that was published in the prior
15 month's Administrative Register not including the administrative
16 regulations published in the "As Amended" section;
- 17 2. Include each administrative regulation for which a statement of
18 consideration was received on or before 12 noon, eastern time, on the
19 fifteenth day of the prior calendar month;
- 20 3. Include each administrative regulation that was deferred from the prior
21 month's meeting of the subcommittee; and
- 22 4. Not include an administrative regulation that is deferred, withdrawn,
23 expired, or automatically taken off the agenda under the provisions of
24 this chapter.

25 (c) Review of an administrative regulation shall include the entire administrative
26 regulation and all attachments filed with the administrative regulation. The
27 review of amendments to existing administrative regulations shall not be

1 limited to only the changes proposed by the promulgating administrative
2 body.

3 (2) The meetings shall be open to the public.

4 (3) Public notice of the time, date, and place of the Administrative Regulation Review
5 Subcommittee meeting shall be given in the Administrative Register.

6 (4) A representative of the administrative body promulgating the administrative
7 regulation under consideration shall be present to explain the administrative
8 regulation and to answer questions thereon. If a representative of the administrative
9 body with authority to amend the administrative regulation is not present at the
10 subcommittee meeting, the administrative regulation shall be deferred to the next
11 regularly scheduled meeting of the subcommittee.

12 (5) Following the meeting and before the next regularly scheduled meeting of the
13 Commission, the Administrative Regulation Review Subcommittee shall forward to
14 the Commission its findings, recommendations, or other comments it deems
15 appropriate in writing. The Administrative Regulation Review Subcommittee shall
16 also forward to the Commission its findings, recommendations, or other comments
17 it deems appropriate on an existing administrative regulation it has reviewed. The
18 Administrative Regulation Review Subcommittee's findings shall be published in
19 the Administrative Register.

20 (6) (a) After review by the Administrative Regulation Review Subcommittee, the
21 Commission shall, on the first Wednesday of the following month, or if the
22 first Wednesday is a legal holiday, the next workday of the month, assign the
23 administrative regulation to:

24 1. An interim joint committee with subject matter~~[of appropriate]~~
25 jurisdiction~~[over the subject matter of the administrative regulation]~~; or

26 2. The~~[During a session of the General Assembly, the House of~~
27 ~~Representatives and]~~ Senate and House standing committees with

1 ~~*subject matter*~~ [of appropriate] jurisdiction [over the subject matter of
2 the administrative regulation].

3 (b) Upon notification of the assignment by the Commission, the legislative
4 subcommittee to which the administrative regulation is assigned shall notify
5 the regulations compiler:

6 1. Of the date, time, and place of the meeting at which it will consider the
7 administrative regulation; or

8 2. That it will not meet to consider the administrative regulation.

9 (7) (a) Within ~~*thirty (30)*~~ *ninety (90)* days of the assignment, the subcommittee may
10 hold a public meeting during which the administrative regulation shall be
11 reviewed.

12 (b) If the ~~*thirtieth*~~ *ninetieth* day of the assignment falls on a Saturday, Sunday, or
13 holiday, the deadline for review shall be the workday following the Saturday,
14 Sunday, or holiday.

15 (c) 1. *If the administrative regulation is assigned to an interim joint*
16 *committee and a session of the General Assembly begins during the*
17 *review period, the assignment shall transfer to the Senate and House*
18 *standing committees with subject matter jurisdiction.*

19 2. *If the administrative regulation is assigned to Senate and House*
20 *standing committees and a session of the General Assembly adjourns*
21 *sine die during the review period, the assignment shall transfer to the*
22 *interim joint committee with subject matter jurisdiction.*

23 3. *An administrative regulation may be transferred more than one (1)*
24 *time under this paragraph. A transfer shall not extend the review*
25 *period established by this subsection.*

26 (d) The subcommittee may also review an existing administrative regulation and
27 make a determination as provided by KRS 13A.030(2) and (3).

1 (e) Notice of the time, date, and place of the meeting shall be placed in the
2 legislative calendar.

3 (8) Except as provided in subsection (9) of this section, a subcommittee shall be
4 empowered to make the same nonbinding determinations and to exercise the same
5 authority as the Administrative Regulation Review Subcommittee.

6 (9) (a) A majority of the entire membership of the subcommittee to which an
7 administrative regulation is referred pursuant to subsection (6)(a) of this
8 section shall constitute a quorum for purposes of reviewing administrative
9 regulations.

10 (b) In order to amend an administrative regulation pursuant to KRS 13A.320,
11 *defer an administrative regulation pursuant to Section 4 of this Act,* or ~~to~~
12 find an administrative regulation deficient pursuant to KRS 13A.030(2) and
13 (3), the motion to amend, *defer,* or find deficient shall be approved by a
14 majority of the entire membership of the subcommittee. Additionally, during a
15 session of the General Assembly, standing committees of the Senate and
16 House of Representatives shall agree in order to amend an administrative
17 regulation, *defer an administrative regulation,* or ~~to~~ find an administrative
18 regulation deficient ~~pursuant to KRS 13A.030(2) and (3)~~ by:

- 19 1. Meeting separately; or
- 20 2. Meeting jointly. If the standing committees meet jointly, it shall require
21 a majority vote of Senate members voting and a majority of House
22 members voting, as well as the majority vote of the entire membership
23 of the standing committees meeting jointly, in order to take action on the
24 administrative regulation.

25 (10) (a) Upon adjournment of the meeting at which a legislative subcommittee has
26 considered an administrative regulation pursuant to subsection (7) of this
27 section, the subcommittee shall inform the regulations compiler of its

1 findings, recommendations, or other action taken on the administrative
2 regulation.

3 (b) Following the meeting and before the next regularly scheduled meeting of the
4 Commission, the subcommittee shall forward to the Commission its findings,
5 recommendations, or other comments it deems appropriate in writing. The
6 subcommittee's findings shall be published in the Administrative Register.

7 ➔Section 4. KRS 13A.300 is amended to read as follows:

8 (1) The administrative body that promulgated an administrative regulation may request
9 that consideration of the administrative regulation be deferred by the subcommittee.

10 (2) The deferral of an administrative regulation scheduled for review by the
11 Administrative Regulation Review Subcommittee shall be governed by the
12 following:

13 (a) A request for deferral shall be automatically granted if:

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

16 2. The letter is received prior to the subcommittee meeting;

17 (b) A request for deferral may be granted at the discretion of the subcommittee if
18 the request is made by the administrative body orally at a meeting of the
19 subcommittee;

20 (c) The subcommittee may request that consideration of an administrative
21 regulation be deferred by the promulgating administrative body. Upon receipt
22 of the request, the promulgating administrative body may agree to defer
23 consideration of the administrative regulation;

24 (d) Except as provided in paragraph (e) of this subsection, an administrative
25 regulation that has been deferred shall be placed on the agenda of the next
26 scheduled meeting of the subcommittee. The subcommittee shall consider the
27 administrative regulation as if it had met all other requirements of filing.

- 1 Repromulgation shall not be required in those cases; and
- 2 (e) An administrative regulation shall not be deferred under this subsection more
3 than twelve (12) times.
- 4 (3) (a) The deferral of an administrative regulation referred to a second committee or
5 committees pursuant to subsections (6) and (7) of Section 3 of this
6 Act~~[subsection KRS 13A.290(6)(a)]~~ shall be governed by this subsection.~~[the~~
7 ~~following:]~~
- 8 (b)~~(a)~~ ~~[Except as provided in paragraphs (c), (d), and (e) of this subsection:]~~
- 9 1. A request for deferral shall be automatically granted if:
- 10 a. The administrative body submits a written letter to the regulations
11 compiler; and
- 12 b. The letter is received prior to the committee meeting;
- 13 2. A request for deferral may be granted at the discretion of the second
14 committee if the request is made by the administrative body orally at a
15 meeting of the committee; and
- 16 3. The committee may request that consideration of an administrative
17 regulation be deferred by the promulgating administrative body. Upon
18 receipt of the request, the promulgating administrative body may agree
19 to defer consideration of the administrative regulation.~~[:]~~
- 20 (c)~~(b)~~ 1. An administrative regulation that is deferred may~~[shall]~~ be placed
21 on a subsequent~~[the]~~ agenda of the committee or committees within the
22 review period.
- 23 2. Unless~~[next scheduled meeting of the committee. If the committee does~~
24 ~~not have a meeting scheduled during the following calendar month,]~~ the
25 deferred administrative regulation is placed on a subsequent agenda
26 within the review period, the administrative regulation shall take effect
27 at the expiration of the review period~~[on the last workday of the~~

1 ~~calendar month following the month in which the administrative~~
2 ~~regulation is deferred;~~

3 ~~(c) An administrative regulation shall not be deferred from the final scheduled~~
4 ~~meeting of an interim joint committee to which the administrative regulation~~
5 ~~was referred pursuant to KRS 13A.290(6)(a)1.;~~

6 ~~(d) An administrative regulation shall not be deferred from the final scheduled~~
7 ~~meeting of a standing committee to which the administrative regulation was~~
8 ~~referred pursuant to KRS 13A.290(6)(a)2.; and~~

9 ~~(e) An administrative regulation shall not be deferred from an interim joint~~
10 ~~committee to House and Senate standing committees or from House and~~
11 ~~Senate standing committees to an interim joint committee].~~

12 ➔Section 5. KRS 13A.310 is amended to read as follows:

13 (1) Except as provided in KRS 13A.3102 and 13A.3104, an administrative regulation,
14 once adopted, cannot be withdrawn but shall be repealed if it is desired that it no
15 longer be effective.

16 (2) Except as provided in KRS 13A.3102 and 13A.3104, an administrative regulation,
17 once adopted, cannot be suspended but shall be repealed if it is desired to suspend
18 its effect.

19 (3) (a) An administrative regulation shall be repealed only by the promulgation of an
20 administrative regulation that:

21 1. Is titled "Repeal of (state number of administrative regulation to be
22 repealed)";

23 2. Contains the reasons for repeal in the "NECESSITY, FUNCTION, AND
24 CONFORMITY" paragraph;

25 3. Includes in the body of the administrative regulation, a citation to the
26 number and title of the administrative regulation or regulations being
27 repealed; and

- 1 4. Meets the filing and formatting requirements of KRS 13A.220.
- 2 (b) 1. Except as provided in subparagraph 2. of this paragraph, on the effective
3 date of an administrative regulation that repeals an administrative
4 regulation, determined in accordance with KRS 13A.330 or 13A.331,
5 the regulations compiler shall delete the repealed administrative
6 regulation and the repealing administrative regulation from the
7 Kentucky Administrative Regulations Service.
- 8 2. If the repealing administrative regulation specifies an effective date that
9 is after the administrative regulation would become effective pursuant to
10 KRS 13A.330 or 13A.331, the specified effective date shall be
11 considered the effective date of the repealing administrative regulation.
12 On the specified effective date, the regulations compiler shall delete the
13 repealed administrative regulation and the repealing administrative
14 regulation from the Kentucky Administrative Regulations Service.
- 15 (c) An administrative body may repeal more than one (1) administrative
16 regulation in an administrative regulation promulgated pursuant to paragraph
17 (a) of this subsection if the administrative regulations being repealed are
18 contained in the same chapter of the Kentucky Administrative Regulations
19 Service.
- 20 (4) (a) An ordinary administrative regulation may be withdrawn by the promulgating
21 administrative body at any time prior to its adoption.
- 22 (b) An ordinary administrative regulation that has been found deficient may be
23 withdrawn by the promulgating administrative body at any time prior to
24 receipt by the regulations compiler of the determination of the Governor made
25 pursuant to KRS 13A.330 ~~or 13A.331~~ or may be withdrawn by the
26 Governor.
- 27 (c) If an ordinary administrative regulation is withdrawn, the administrative body

1 or the Governor shall inform the regulations compiler of the reasons for
2 withdrawal in writing.

3 (5) Once an ordinary administrative regulation is withdrawn, it shall not be reinstated,
4 except by repromulgation as a totally new matter.

5 ➔Section 6. KRS 13A.315 is amended to read as follows:

6 (1) An administrative regulation shall expire and shall not be reviewed by a legislative
7 subcommittee if:

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

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

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

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

18 (2) (a) An administrative regulation that has been found deficient by a subcommittee
19 shall be withdrawn immediately if, pursuant to KRS 13A.330~~[or 13A.331]~~,
20 the Governor has determined that it shall be withdrawn.

21 (b) The Governor shall notify the regulations compiler in writing and by
22 telephone that he or she has determined that the administrative regulation
23 found deficient shall be withdrawn.

24 (c) The written withdrawal of an administrative regulation governed by the
25 provisions of this subsection shall be made in a letter to the regulations
26 compiler in the following format: "Pursuant to Section 7 of this Act~~[KRS~~
27 ~~(13A.330(2)(b) or 13A.331(2)(b), whichever is applicable)]~~, I have

1 determined that (administrative regulation number and title) shall be
 2 (withdrawn, or withdrawn and amended to conform to the finding of
 3 deficiency, as applicable). The administrative regulation, (administrative
 4 regulation number and title), is hereby withdrawn."

5 (d) An administrative regulation governed by the provisions of this subsection
 6 shall be considered withdrawn upon receipt by the regulations compiler of the
 7 written withdrawal.

8 ➔Section 7. KRS 13A.330 is amended to read as follows:

9 ~~[The provisions of this section shall apply to administrative regulations that are assigned
 10 pursuant to KRS 13A.290(6)(a)1.]~~

11 ~~(1) [An administrative regulation that has not been found deficient by a legislative
 12 subcommittee shall be considered as adopted and shall become effective:~~

13 ~~(a) Upon adjournment on the day a subcommittee meets to consider the
 14 administrative regulation pursuant to KRS 13A.290(7) if:~~

15 ~~1. The administrative regulation is on the agenda of the subcommittee
 16 meeting;~~

17 ~~2. A quorum of the subcommittee is present; and~~

18 ~~3. The subcommittee:~~

19 ~~a. Considers the administrative regulation; or~~

20 ~~b. Fails to consider the administrative regulation and fails to agree to
 21 defer its consideration of the administrative regulation; or~~

22 ~~(b) If a subcommittee fails to meet within thirty (30) days of assignment of an
 23 administrative regulation as provided in KRS 13A.290(7), or does not place
 24 the administrative regulation on the agenda of a meeting held within thirty
 25 (30) days of the referral of the administrative regulation to it by the
 26 Commission, at the expiration of the thirty (30) day period.~~

27 ~~(2) If an administrative regulation has been found deficient, the [by a legislative~~

1 subcommittee, ~~the legislative~~] subcommittee shall transmit to the Governor **and the**
 2 **regulations compiler:**

3 (a) A copy of ~~the~~**its**] finding of deficiency and other **relevant** findings,
 4 recommendations, or comments~~[it deems appropriate]~~; and

5 (b) A request that the Governor determine whether the administrative regulation
 6 shall:

7 1. Be withdrawn;

8 2. Be~~[withdrawn and]~~ amended **at a subcommittee meeting pursuant to**
 9 **KRS 13A.320** to conform to the finding of deficiency; or

10 3. Become effective pursuant to the provisions of this section
 11 notwithstanding the finding of deficiency.

12 ~~(2)~~**(3)** ~~— If an administrative regulation has been found deficient by a legislative~~
 13 ~~subcommittee, the legislative subcommittee shall transmit copies of its transmittal~~
 14 ~~to the Governor to the regulations compiler.~~

15 ~~(4)~~ The Governor shall transmit his **or her** determination to the Commission and the
 16 regulations compiler.

17 ~~(3)~~**(5)** An administrative regulation that has been found deficient~~[by a legislative~~
 18 ~~subcommittee]~~ shall be considered as adopted and become effective after:

19 (a)~~[1.]~~ The **review period established in this chapter has been**
 20 **completed**~~[subcommittee of appropriate jurisdiction to which an~~
 21 ~~administrative regulation was assigned pursuant to KRS 13A.290(6) has:~~

22 a. ~~— Considered the administrative regulation;~~

23 b. ~~— Failed to consider the administrative regulation and failed to agree to~~
 24 ~~defer its consideration of the administrative regulation; or~~

25 c. ~~— Failed to meet within thirty (30) days of such assignment]; and~~

26 **(b) 1.**~~[2.]~~ The regulations compiler has received the Governor's determination that
 27 the administrative regulation shall become effective pursuant to the

1 provisions of this section notwithstanding the finding of deficiency; or
 2 ~~2.~~^(b) The ~~legislative~~ subcommittee that found the administrative
 3 regulation deficient subsequently determines that the administrative
 4 regulation is not deficient ***in accordance with Section 9 of this Act,***
 5 provided that this determination was made prior to receipt by the
 6 regulations compiler of the Governor's determination.

7 ➔ Section 8. KRS 13A.331 is amended to read as follows:

8 ~~[The provisions of this section shall apply to administrative regulations that are assigned~~
 9 ~~pursuant to KRS 13A.290(6)(a)2.~~

10 ~~(1)~~ An administrative regulation that has not been ***deferred or*** found deficient ~~by both~~
 11 ~~standing committees~~ shall be considered as adopted and shall become effective:

12 ~~(1)~~^(a) Upon adjournment ***of a meeting of an interim joint committee if:***

13 ***(a) The administrative regulation was on the meeting agenda; and***

14 ***(b) A quorum was present;***

15 ***(2) Upon adjournment of a meeting of a joint standing committee if:***

16 ***(a) The administrative regulation was on the meeting agenda; and***

17 ***(b) A quorum was present;***

18 ***(3) Upon adjournment of a meeting of a House or Senate standing committee if:***

19 ***(a) The administrative regulation was on its meeting agenda;***

20 ***(b) A quorum was present; and***

21 ***(c) The administrative regulation has previously been on a meeting agenda of***
 22 ***the other standing committee when a quorum was present*** ~~[on the day the~~

23 ~~second standing committee meets to consider the administrative regulation~~
 24 ~~pursuant to KRS 13A.290 if:~~

25 1. ~~The administrative regulation is on the agenda of the standing committee~~
 26 ~~meeting;~~

27 2. ~~A quorum of the standing committee is present;~~

- 1 3.—~~The standing committee:~~
- 2 a.—~~Considers the administrative regulation; or~~
- 3 b.—~~Fails to consider the administrative regulation and fails to agree to~~
- 4 ~~defer its consideration of the administrative regulation; and~~
- 5 4.—~~Pursuant to KRS 13A.290(9), the decision of the standing committee to~~
- 6 ~~amend the administrative regulation is the same as the decision of the~~
- 7 ~~corresponding standing committee of the other chamber to amend the~~
- 8 ~~administrative regulation;~~

9 (b)—~~Upon adjournment on the day the standing committee meeting jointly meets to~~

10 ~~consider the administrative regulation pursuant to KRS 13A.290 if:~~

- 11 1.—~~The administrative regulation is on the agenda of the joint standing~~
- 12 ~~committee meeting;~~
- 13 2.—~~A quorum of the joint standing committee is present;~~
- 14 3.—~~The joint standing committee meeting:~~
- 15 a.—~~Considers the administrative regulation; or~~
- 16 b.—~~Fails to consider the administrative regulation and fails to agree to~~
- 17 ~~defer its consideration of the administrative regulation]; or~~

18 ~~(4)~~^{(e)} *At the expiration of the review period established in subsection (7) of*

19 *Section 3 of this Act, if within the review period a subcommittee has*

20 *failed*~~[standing committee fails]~~ to meet *or failed to*~~[within thirty (30) days of~~

21 ~~assignment of an administrative regulation as provided in KRS 13A.290, or does~~

22 ~~not]~~ place the administrative regulation on *a meeting*~~[the]~~ agenda~~[of a meeting~~

23 ~~held within thirty (30) days of the referral of the administrative regulation to it by~~

24 ~~the Commission, at the expiration of the thirty (30) day period].~~

25 ~~{(2) If an administrative regulation has been found deficient by both standing~~

26 ~~committees, or by the standing committees meeting jointly, the standing~~

27 ~~committees, or the standing committees meeting jointly shall transmit to the~~

1 Governor:

2 ~~(a) A copy of its finding of deficiency and other findings, recommendations, or~~
3 ~~comments it deems appropriate; and~~

4 ~~(b) A request that the Governor determine whether the administrative regulation~~
5 ~~shall:~~

6 1. ~~Be withdrawn;~~

7 2. ~~Be withdrawn and amended to conform to the finding of deficiency; or~~

8 3. ~~Become effective pursuant to the provisions of this section~~
9 ~~notwithstanding the finding of deficiency.~~

10 ~~(3) If an administrative regulation has been found deficient by the standing committees~~
11 ~~or by the standing committees meeting jointly, the standing committees or standing~~
12 ~~committees meeting jointly shall transmit copies of its transmittal to the Governor~~
13 ~~to the regulations compiler.~~

14 ~~(4) The Governor shall transmit his determination to the Commission and the~~
15 ~~regulations compiler.~~

16 ~~(5) An administrative regulation that has been found deficient by the Administrative~~
17 ~~Regulation Review Subcommittee, the standing committees or by the standing~~
18 ~~committees meeting jointly shall be considered as adopted and become effective~~
19 ~~after:~~

20 ~~(a) 1. The standing committees of appropriate jurisdiction to which an~~
21 ~~administrative regulation was assigned pursuant to KRS 13A.290 has:~~

22 a. ~~Considered the administrative regulation;~~

23 b. ~~Failed to consider the administrative regulation and failed to agree~~
24 ~~to defer its consideration of the administrative regulation; or~~

25 c. ~~Failed to meet within thirty (30) days of such assignment; and~~

26 2. ~~The regulations compiler has received the Governor's determination that~~
27 ~~the administrative regulation shall become effective pursuant to the~~

1 ~~provisions of this section notwithstanding the finding of deficiency; or~~
 2 ~~(b) The subcommittee, standing committees, or standing committees meeting~~
 3 ~~jointly that found the administrative regulation deficient subsequently~~
 4 ~~determines that the administrative regulation is not deficient, provided that~~
 5 ~~this determination was made prior to receipt by the regulations compiler of the~~
 6 ~~Governor's determination.]~~

7 ➔Section 9. KRS 13A.335 is amended to read as follows:

- 8 (1) An administrative regulation found deficient by a subcommittee shall not be
 9 considered deficient if:
- 10 (a) A subsequent amendment of that administrative regulation is filed with the
 11 Commission by the administrative body;
- 12 (b) The subcommittee that found the administrative regulation deficient approves
 13 a motion that the subsequent amendment corrects the deficiency; and
- 14 (c) Any subcommittee that reviews the administrative regulation under the
 15 provisions of KRS Chapter 13A finds that the administrative regulation is not
 16 deficient.
- 17 (2) An administrative regulation found deficient by the Administrative Regulation
 18 Review Subcommittee shall not be considered deficient if:
- 19 (a) The administrative regulation is amended to correct the deficiency at a
 20 meeting of the subcommittee to which it was assigned by the Commission;
- 21 (b) That subcommittee does not determine that the administrative regulation is
 22 deficient for any other reason; and
- 23 (c) The Administrative Regulation Review Subcommittee approves a motion that
 24 the deficiency has been corrected and that the administrative regulation should
 25 not be considered deficient.
- 26 (3) An administrative regulation found deficient by a subcommittee shall not be
 27 considered deficient if the subcommittee:

- 1 (a) Reconsiders the administrative regulation and its finding of deficiency; and
- 2 (b) Approves a motion that the administrative regulation is not deficient.
- 3 (4) (a) If an existing administrative regulation has been amended and found deficient
- 4 by a subcommittee, it shall not be considered deficient if the:
- 5 1. Administrative regulation was found deficient due to the amendment;
- 6 2. Promulgating administrative body has withdrawn the proposed
- 7 amendment of the existing administrative regulation; and
- 8 3. Regulations compiler has not received the Governor's determination
- 9 pursuant to KRS 13A.330 ~~or 13A.331~~.
- 10 (b) If an administrative regulation has been found deficient by a subcommittee,
- 11 the regulations compiler shall add the following notice to the administrative
- 12 regulation: "This administrative regulation was found deficient by the [name
- 13 of subcommittee] on [date]." This notice shall be the last section of the
- 14 administrative regulation.
- 15 (c) If an administrative regulation has been found deficient by a subcommittee,
- 16 subsequent amendments of that administrative regulation filed with the
- 17 Commission shall contain the notice provided in paragraph (b) of this
- 18 subsection.
- 19 (d) If an administrative regulation that has been found deficient by a
- 20 subcommittee has subsequently been determined not to be deficient under the
- 21 provisions of this section, the regulations compiler shall delete the notice
- 22 required by paragraph (b) of this subsection.