

1 AN ACT relating to administrative regulations and declaring an emergency.

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

3 ➔Section 1. KRS 13A.010 is amended to read as follows:

4 As used in this chapter, unless the context otherwise requires:

- 5 (1) "Administrative body" means each state board, bureau, cabinet, commission,
6 department, authority, officer, or other entity, except the General Assembly and the
7 Court of Justice, authorized by law to promulgate administrative regulations;
- 8 (2) "Administrative regulation" means each statement of general applicability
9 promulgated by an administrative body that implements, interprets, or prescribes
10 law or policy, or describes the organization, procedure, or practice requirements of
11 any administrative body. The term includes an existing administrative regulation, a
12 new administrative regulation, an emergency administrative regulation, an
13 administrative regulation in contemplation of a statute, and the amendment or repeal
14 of an existing administrative regulation, but does not include:
- 15 (a) Statements concerning only the internal management of an administrative
16 body and not affecting private rights or procedures available to the public;
- 17 (b) Declaratory rulings;
- 18 (c) Intradepartmental memoranda not in conflict with KRS 13A.130;
- 19 (d) Statements relating to acquisition of property for highway purposes and
20 statements relating to the construction or maintenance of highways; or
- 21 (e) Rules, regulations, and policies of the governing boards of institutions that
22 make up the postsecondary education system defined in KRS 164.001
23 pertaining to students attending or applicants to the institutions, to faculty and
24 staff of the respective institutions, or to the control and maintenance of land
25 and buildings occupied by the respective institutions;
- 26 (3) "Adopted" means that an administrative regulation has become effective in
27 accordance with the provisions of this chapter;

- 1 (4) "Authorizing signature" means the signature of the head of the administrative body
2 authorized by statute to promulgate administrative regulations;
- 3 (5) "Commission" means the Legislative Research Commission;
- 4 (6) "Effective" means~~[-that]~~ an administrative regulation ***that*** has completed the
5 legislative ***committee***~~[subcommittee]~~ review established by KRS 13A.290,
6 13A.330, and 13A.331;
- 7 (7) "Federal mandate" means any federal constitutional, legislative, or executive law or
8 order that requires or permits any administrative body to engage in regulatory
9 activities that impose compliance standards, reporting requirements, recordkeeping,
10 or similar responsibilities upon entities in the Commonwealth;
- 11 (8) "Federal mandate comparison" means a written statement containing the
12 information required by KRS 13A.245;
- 13 (9) "Filed" or "promulgated" means that an administrative regulation, or other
14 document required to be filed by this chapter, has been submitted to the
15 Commission in accordance with this chapter;
- 16 (10) "Last effective date" means the latter of:
- 17 (a) The most recent date an ordinary administrative regulation became effective,
18 without including the date a technical amendment was made pursuant to KRS
19 13A.040(10), 13A.2255(2), or 13A.312; or
- 20 (b) The date a certification letter was filed with the regulations compiler for that
21 administrative regulation pursuant to KRS 13A.3104(4), if the letter stated
22 that the administrative regulation shall remain in effect without amendment;~~[-]~~
- 23 (11) ***"Legislative committee" means an interim joint committee, a House or Senate***
24 ***standing committee, a statutory committee, or a subcommittee of the Legislative***
25 ***Research Commission;***
- 26 ***(12)*** "Local government" means and includes a city, county, urban-county, charter
27 county, consolidated local government, special district, or a quasi-governmental

1 body authorized by the Kentucky Revised Statutes or a local ordinance;

2 ~~(13)~~~~((12))~~ "Proposed administrative regulation" means an administrative regulation that:

3 (a) Has been filed by an administrative body; and

4 (b) Has not become effective or been withdrawn;

5 ~~(14)~~~~((13))~~ "Regulatory impact analysis" means a written statement containing the
6 provisions required by KRS 13A.240;

7 ~~(15)~~~~((14))~~ "Small business" means a business entity, including its affiliates, that:

8 (a) Is independently owned and operated; and

9 (b) 1. Employs fewer than one hundred fifty (150) full-time employees or their
10 equivalent; or

11 2. Has gross annual sales of less than six million dollars (\$6,000,000);

12 ~~(16)~~~~((15))~~ "Statement of consideration" means the document required by KRS 13A.280
13 in which the administrative body summarizes the comments received, its responses
14 to those comments, and the action taken, if any, as a result of those comments and
15 responses;

16 ~~(17)~~~~((16))~~ "Subcommittee" means the Administrative Regulation Review
17 Subcommittee~~, any other subcommittee~~ of the Legislative Research Commission~~,
18 an interim joint committee, or a House and Senate standing committee~~;

19 ~~(18)~~~~((17))~~ "Tiering" means the tailoring of regulatory requirements to fit the particular
20 circumstances surrounding regulated entities; and

21 ~~(19)~~~~((18))~~ "Written comments" means comments submitted to the administrative body's
22 contact person identified pursuant to KRS 13A.220(6)(d) via hand delivery, United
23 States mail, e-mail, or facsimile and may include but is not limited to comments
24 submitted internally from within the promulgating administrative body or from
25 another administrative body.

26 ➔Section 2. KRS 13A.030 is amended to read as follows:

27 (1) The Administrative Regulation Review Subcommittee shall:

- 1 (a) Conduct a continuous study as to whether additional legislation or changes in
2 legislation are needed based on various factors, including, but not limited to,
3 review of new, emergency, and existing administrative regulations, the lack of
4 administrative regulations, and the needs of administrative bodies;
- 5 (b) Except as provided by KRS 158.6471 and 158.6472, review and comment
6 upon effective administrative regulations pursuant to subsections (2), (3), and
7 (4) of this section or administrative regulations filed with the Commission;
- 8 (c) Make recommendations for changes in statutes, new statutes, repeal of statutes
9 affecting administrative regulations or the ability of administrative bodies to
10 promulgate them; and
- 11 (d) Conduct such other studies relating to administrative regulations as may be
12 assigned by the Commission.
- 13 (2) The subcommittee may make a ~~nonbinding~~ determination:
- 14 (a) That an effective administrative regulation or an administrative regulation
15 filed with the Commission is deficient because it:
- 16 1. Is wrongfully promulgated;
- 17 2. Appears to be in conflict with an existing statute;
- 18 3. Appears to have no statutory authority for its promulgation;
- 19 4. Appears to impose stricter or more burdensome state requirements than
20 required by the federal mandate, without reasonable justification;
- 21 5. Fails to use tiering when tiering is applicable;
- 22 6. Is in excess of the administrative body's authority;
- 23 7. Appears to impose an unreasonable burden on government or small
24 business, or both; ~~or~~
- 25 8. *Is filed as an emergency administrative regulation without adequate*
26 *justification of the emergency nature of the situation as described in*
27 *Section 4(1) of this Act;*

1 **9. Has not been noticed in conformance with the requirements of**
2 **subsection (3) of Section 9 of this Act; or**

3 **10.** Appears to be deficient in any other manner;

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

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

7 (3) The subcommittee may review an effective administrative regulation if requested by
8 a member of the subcommittee.

9 (4) The subcommittee may require any administrative body to submit data and
10 information as required by the subcommittee in the performance of its duties under
11 this chapter, and no administrative body shall fail to provide the information or data
12 required.

13 ➔Section 3. KRS 13A.040 is amended to read as follows:

14 The director of the Legislative Research Commission shall appoint an administrative
15 regulations compiler who shall:

16 (1) Receive administrative regulations, and other documents required to be filed by the
17 provisions of this chapter, tendered for filing;

18 (2) Stamp administrative regulations tendered for filing with the time and date of
19 receipt;

20 (3) Provide administrative and support services to the subcommittee;

21 (4) Maintain a file of administrative regulations and other documents required to be
22 filed by this chapter, for public inspection, with suitable indexes;

23 (5) Maintain a file of ineffective administrative regulations;

24 (6) Maintain a file of material incorporated by reference, including superseded or
25 ineffective material incorporated by reference;

26 (7) Prepare the Kentucky Administrative Regulations Service;

27 (8) Upon request, certify copies of administrative regulations and other documents that

- 1 have been filed with the regulations compiler;
- 2 (9) Correct errors that do not change the substance of an administrative regulation,
3 including~~[,]~~ but not limited to~~[,]~~ typographical errors, errors in format, and
4 grammatical errors;
- 5 (10) (a) Change items in an administrative regulation in response to a specific written
6 request for a technical amendment submitted by the administrative body if the
7 regulations compiler determines that the requested changes do not affect the
8 substance of the administrative regulation. Examples of technical amendments
9 include the address of the administrative body, citations to statutes or other
10 administrative regulations if a format change within that statute or
11 administrative regulation has changed the numbering or lettering of parts, or
12 other changes in accordance with KRS 13A.312; and
- 13 (b) Notify the administrative body within thirty (30) business days of receipt of a
14 technical amendment letter the status of the request, including:
- 15 1. Any requested changes that are accepted as technical amendments; and
16 2. Any requested changes that are not accepted as technical amendments;
- 17 (11) Refuse to accept for filing administrative regulations, and other documents required
18 to be filed by this chapter, that do not conform to the drafting, formatting, or filing
19 requirements established by the provisions of KRS 13A.190~~(5) to (11)~~~~[(4) to (10)]~~,
20 13A.220, 13A.222(1), (2), and (3), 13A.230, and 13A.280, and notify the
21 administrative body in writing of the reasons for refusing to accept an
22 administrative regulation for filing;
- 23 (12) Maintain a list of all administrative regulation numbers and the corresponding last
24 effective date, based on the information included in the history line of each
25 administrative regulation; and
- 26 (13) Perform other duties required by the Commission or by a legislative
27 committee~~[subcommittee]~~.

1 ➔ Section 4. KRS 13A.190 is amended to read as follows:

2 (1) An emergency administrative regulation is an administrative regulation~~{one}~~ that:

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

6 1. Meet an imminent threat to public health, safety,~~{or}~~ welfare, or the
7 environment;

8 2. Prevent an imminent~~{a}~~ loss of federal or state funds;

9 3. Meet an imminent~~{a}~~ deadline for the promulgation of an administrative
10 regulation that is established by state statute or federal law; or

11 4. ~~{Protect human health and the environment}~~ Comply with an Executive
12 Order issued under KRS Chapter 39A; and

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

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

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

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

21 (3) An emergency administrative regulation~~{regulations shall}~~;

22 (a) Shall become effective and shall be considered as adopted upon filing;~~{~~
23 ~~Emergency administrative regulations shall}~~

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

26 (c) Shall be subject to the public comment provisions established in Sections 9
27 and 10 of this Act;

1 (d) 1. May be reviewed at a subsequent meeting of a legislative committee
2 after the filing of the emergency administrative regulation; and
3 2. May, by a vote of the majority of the legislative committee's
4 membership as established by KRS 13A.020(4) and Section 11(9) of
5 this Act, be found to be deficient, and the deficiency shall be reported
6 to the Governor pursuant to KRS 13A.330(2); and

7 (e) May be amended:

8 1. By the promulgating administrative body after receiving public
9 comments as established in Section 10 of this Act. The amended after
10 comments version shall:
11 a. Become effective upon filing; and
12 b. Not require a statement of emergency; or
13 2. At a legislative committee meeting as established in Section 16 of this
14 Act. The amendment shall be approved as established by KRS
15 13A.020(4) and Section 11(9) of this Act. The amended version shall
16 become effective upon adjournment of the meeting following the
17 procedures established in Section 18 of this Act.

18 ~~(4)(3)~~ (a) Except as provided by paragraph (b) of this subsection, emergency
19 administrative regulations shall expire two hundred seventy (270) days after
20 the date of filing or when the same matter filed as an ordinary administrative
21 regulation filed for review is adopted, whichever occurs first.
22 (b) If an administrative body extends the time for filing a statement of
23 consideration for an ordinary administrative regulation as provided by KRS
24 13A.280(2)(b), an emergency administrative regulation shall remain in effect
25 for two hundred seventy (270) days after the date of filing plus the number of
26 days extended under the provisions of KRS 13A.280(2)(b) or when the same
27 matter filed as an ordinary administrative regulation filed for review is

1 adopted, whichever occurs first.

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

5 ~~(5)~~~~(4)~~ Except as established in subsection ~~(6)~~~~(5)~~ of this section, an emergency
6 administrative regulation with the same number or title or governing the same
7 subject matter shall not be filed for a period of **two hundred seventy (270)**
8 **days**~~[nine (9) months]~~ after it has been initially filed.~~[No other emergency~~
9 ~~administrative regulation that is identical to the previously filed emergency~~
10 ~~administrative regulation shall be promulgated.]~~

11 ~~(6)~~~~(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 **two hundred seventy (270) days**~~[nine (9) months]~~ is filed, it
14 shall contain a detailed explanation of the manner in which it differs from the
15 previously filed emergency administrative regulation. The detailed explanation shall
16 be included in the statement of emergency required by subsection ~~(7)~~~~(6)~~ of this
17 section.

18 ~~(7)~~~~(6)~~ Each emergency administrative regulation shall contain a statement of:

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

1 administrative regulation, the reasons therefor; and

2 (f) If applicable, the explanation required by subsection ~~(6)~~~~(5)~~ of this section.

3 ~~(8)~~~~(7)~~ (a) An administrative body shall attach the:

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

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

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

16 a. No more than four (4) pages in length; and

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

19 Larger volumes of documentary evidence shall be filed in a separate
20 binder or on a CD-ROM or DVD disc.

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

22 1. The original and five (5) copies of the emergency administrative
23 regulation; and

24 2. At the same time as, or prior to, filing the paper version, an electronic
25 version of the emergency administrative regulation and the attachments
26 required by paragraph (a) of this subsection saved as a single document
27 for each emergency administrative regulation in an electronic format

1 approved by the regulations compiler.

2 (c) The original and four (4) copies of each emergency administrative regulation
3 shall be stapled in the top left corner. The fifth copy of each emergency
4 administrative regulation shall not be stapled. The original and the five (5)
5 copies of each emergency administrative regulation shall be grouped together.

6 ~~[(8) (a) If an emergency administrative regulation will not be replaced by an ordinary
7 administrative regulation, the administrative body shall schedule a public
8 hearing and public comment period pursuant to KRS 13A.270(1). The public
9 hearing and public comment period information required by KRS 13A.270(2)
10 shall be attached to the back of the emergency administrative regulation.]~~

11 ~~[(b) If an emergency administrative regulation will be replaced by an ordinary
12 administrative regulation:~~

13 ~~1. The ordinary administrative regulation shall be filed at the same time as
14 the emergency administrative regulation that will be replaced; and~~

15 ~~2. A public hearing and public comment period shall not be required for
16 the emergency administrative regulation.]~~

17 (9) The statement of emergency shall have a two (2) inch top margin. The number of
18 the emergency administrative regulation shall be typed directly below the heading
19 "Statement of Emergency." The number of the emergency administrative regulation
20 shall be the same number as the ordinary administrative regulation followed by an
21 "E."

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

26 (11) *If an emergency administrative regulation will be replaced by an ordinary*
27 *administrative regulation, the ordinary administrative regulation shall be filed at*

1 *the same time as the emergency administrative regulation that it will replace.*

2 ~~(12)(a)~~ If an ordinary administrative regulation that was filed to replace an emergency
3 administrative regulation is withdrawn;[.]

4 (a) The emergency administrative regulation shall expire on the date the ordinary
5 administrative regulation is withdrawn; and[.]

6 ~~(b) [If an ordinary administrative regulation that was filed to replace an~~
7 ~~emergency administrative regulation is withdrawn,]~~The administrative body
8 shall inform the regulations compiler of the reasons for withdrawal in writing.

9 (13)~~(12)~~ (a) If an emergency administrative regulation that was intended to be
10 replaced by an ordinary administrative regulation is withdrawn, the emergency
11 administrative regulation shall expire on the date it is withdrawn.

12 (b) If an emergency administrative regulation has been withdrawn, the ordinary
13 administrative regulation that was filed with it shall not expire unless the
14 administrative body informs the regulations compiler that the ordinary
15 administrative regulation is also withdrawn.

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

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

23 ~~[(13) A subcommittee may review an emergency administrative regulation and may~~
24 ~~recommend to the Governor that the administrative regulation be withdrawn.]~~

25 ➔Section 5. KRS 13A.220 is amended to read as follows:

26 All administrative regulations shall comply with the provisions of KRS 13A.222 and
27 13A.224.

- 1 (1) (a) An administrative body shall file with the regulations compiler:
- 2 1. The original and five (5) copies of an administrative regulation; and
- 3 2. At the same time as, or prior to, filing the paper version, an electronic
- 4 version of the administrative regulation and required attachments saved
- 5 as a single document for each administrative regulation in an electronic
- 6 format approved by the regulations compiler.
- 7 (b) If there are differences between the paper copy and the electronic version of
- 8 an administrative regulation filed with the regulations compiler, the electronic
- 9 version shall be the controlling version.
- 10 (2) The original and four (4) copies of each administrative regulation shall be stapled in
- 11 the top left corner. The fifth copy of each administrative regulation shall not be
- 12 stapled. The original and the five (5) copies of each administrative regulation shall
- 13 be grouped together.
- 14 (3) An amendment to an administrative regulation shall not be made on a copy of the
- 15 administrative regulation reproduced from the Kentucky Administrative
- 16 Regulations Service or the Administrative Register. It shall be a typed original in
- 17 the format specified in subsection (4) of this section.
- 18 (4) The format of an administrative regulation shall be as follows:
- 19 (a) An administrative regulation shall be typewritten on white paper, size eight
- 20 and one-half (8-1/2) by eleven (11) inches and shall be double-spaced through
- 21 the last line of the body of the administrative regulation. The first page shall
- 22 have a two (2) inch top margin. The administrative regulation shall be typed in
- 23 a twelve (12) point font approved by the regulations compiler. The lines on
- 24 each page shall be numbered, with each page starting with line number one
- 25 (1). Pages of an administrative regulation and documents attached to the
- 26 administrative regulation shall be numbered sequentially. Page numbers shall
- 27 be centered in the bottom margin of each page. Copies of the administrative

- 1 regulation may be mechanically reproduced;
- 2 (b) The regulations compiler shall place a stamp indicating the date and time of
3 receipt of the administrative regulation in the two (2) inch margin on the first
4 page;
- 5 (c) The cabinet, department, and division of the administrative body shall be
6 listed on separate double-spaced lines two (2) inches from the top in the upper
7 left hand corner of the first page. This shall be followed on the next double-
8 spaced line by "(New Administrative Regulation)," "(Amendment),"
9 "(Amended After Comments)," "(Repealer)," "(New Emergency
10 Administrative Regulation)," "(Emergency Amendment)," "(Emergency
11 Amended After Comments)," or "(Emergency Repealer)," whichever is
12 applicable;
- 13 (d) The notation shall be followed by the number and title of the administrative
14 regulation on the next double-spaced line. The promulgating administrative
15 body shall contact the regulations compiler prior to filing to obtain an
16 administrative regulation number for a new administrative regulation;
- 17 (e) On the next double-spaced line following the number and title of an
18 administrative regulation, after the words "RELATES TO:," the
19 administrative body shall list all statutes and other enactments, including any
20 branch budget bills or executive orders, to which the administrative regulation
21 relates or which shall be affected by the administrative regulation. After the
22 words "STATUTORY AUTHORITY:" the administrative body shall list the
23 specific statutes and other enactments, where applicable, authorizing the
24 promulgation of the administrative regulation. Federal statutes and regulations
25 shall be cited in the "RELATES TO:" and "STATUTORY AUTHORITY:"
26 sections as provided by KRS 13A.222(4)(n) and (o); and
- 27 (f) Following the citations provided for in paragraph (e) of this subsection, and

1 following the words "NECESSITY, FUNCTION, AND CONFORMITY:" the
2 administrative body shall include a brief statement setting forth the necessity
3 for promulgating the administrative regulation, a summary of the functions
4 intended to be implemented by the administrative regulation, and, if
5 applicable, the statement required by KRS 13A.245(2)(b).

6 (5) The numbering within the body of an administrative regulation shall be the
7 responsibility of the promulgating body, subject to the authority of the regulations
8 compiler to divide or renumber an administrative regulation. The following format
9 shall be used by the administrative body in the numbering of each administrative
10 regulation. Each section shall begin with the word "Section" followed by an Arabic
11 number, and titles of sections shall be initially capitalized. Subsections shall be
12 designated by an Arabic number in parentheses. Paragraphs shall be designated by
13 lower case letters of the alphabet in parentheses (e.g., (a), (b), (c), etc.).
14 Subparagraphs shall be designated by an Arabic number followed by a period (e.g.,
15 1., 2., etc.). Clauses shall be designated by lower case letters of the alphabet
16 followed by a period (e.g., a., b., c., etc.). Subclauses shall be designated by lower
17 case Roman numerals in parentheses (e.g., (i), (ii), (iii), etc.). A section shall not be
18 divided into subsections, paragraphs, subparagraphs, clauses, or subclauses if there
19 is only one (1) item in that level of division.

20 (6) After the complete text of an administrative regulation, on the following page, the
21 administrative body shall include the following information:

22 (a) If the provisions of KRS 13A.120(3) are applicable, a statement that the
23 official or the head of the administrative body has reviewed or approved the
24 administrative regulation; the signature of such official or head; and the date
25 on which such review or approval occurred;

26 (b) The authorizing signature of the administrative body promulgating the
27 administrative regulation, and the date on which the administrative body

1 approved the promulgation;

2 (c) Information relating to public hearings and the public comment period
3 required by KRS 13A.270; and

4 (d) The name, position, mailing address, telephone number, e-mail address, and
5 facsimile number of the contact person of the administrative body. The
6 contact person shall be the person authorized by the head of an administrative
7 body to:

8 1. Receive information relating to issues raised by the public or by a
9 legislative committee~~[subcommittee]~~ prior to a public meeting of the
10 legislative committee~~[subcommittee]~~;

11 2. Negotiate changes in language with a legislative
12 committee~~[subcommittee]~~ in order to resolve such issues; and

13 3. Answer questions relating to the administrative regulation.

14 (7) The format for signatures required by subsection (6)(a) and (b) of this section shall
15 be as follows:

16 (a) The signature shall be placed on a signature line; and

17 (b) The name and title of the person signing shall be typed immediately beneath
18 the signature line.

19 (8) An administrative body shall prominently display on its Web site:

20 (a) A notice that an administrative regulation has been filed with the
21 Commission;

22 (b) A summary of the administrative regulation including:

23 1. The number of the administrative regulation;

24 2. The title of the administrative regulation; and

25 3. Any changes made if it is an existing administrative regulation;

26 (c) Information on how to access the administrative regulation on the
27 Commission's Web site; and

1 (d) The dates of the public comment period and the place, time, and date of the
2 scheduled public hearing as well as the manner in which interested parties
3 shall submit:

4 1. Notification of attending the public hearing; and

5 2. Written comments.

6 (9) (a) A letter of request, notification, or withdrawal required to be filed with the
7 regulations compiler pursuant to this chapter may be filed electronically if the
8 letter:

9 1. Is on the administrative body's official letterhead; and

10 2. Contains the signature of a representative of that administrative body.

11 (b) Paragraph (a) of this subsection shall not apply to the letters required by KRS
12 13A.320(2)(b) for amendments at a legislative committee~~[subcommittee]~~
13 meeting.

14 ➔Section 6. KRS 13A.2251 is amended to read as follows:

15 (1) An administrative body shall incorporate material by reference in the last section of
16 an administrative regulation. This section shall include:

17 (a) The title of the material incorporated by reference placed in quotation marks,
18 followed by the edition date of the material;

19 (b) Information on how the material may be obtained; and

20 (c) A statement that the material is available for public inspection and copying,
21 subject to copyright law, at the main, regional, or branch offices of the
22 administrative body, and the address and office hours of each. Following the
23 required statement, the administrative body shall~~[may]~~ include~~[optional]~~
24 information that states the administrative body's Web site address or telephone
25 number or that provides contact information for other sources that may have
26 the material available to the public.

27 (2) The section incorporating material by reference shall be titled "Incorporation by

1 Reference".

2 (a) If only one (1) item is incorporated by reference, the first subsection of the
3 section incorporating material by reference shall contain the following
4 statement: "(name and edition date of material incorporated) is incorporated
5 by reference."

6 (b) If more than one (1) item is incorporated by reference, the first subsection of
7 the section incorporating material by reference shall contain the following
8 statement: "The following material is incorporated by reference: (a) (name and
9 edition date of first item incorporated); and (b) (name and edition date of
10 second item incorporated)."

11 (c) The second subsection of the section incorporating material by reference shall
12 include the following statement: "This material may be inspected, copied, or
13 obtained, subject to applicable copyright law, at (name of administrative body,
14 full address), Monday through Friday, (state the regular office hours)."

15 (3) A summary of the incorporated material, in detail sufficient to identify the subject
16 matter to which it pertains, shall be attached to an administrative regulation that
17 incorporates material by reference. This summary shall include:

18 (a) Relevant programs, statutes, funds, rights, duties, and procedures affected by
19 the material and the manner in which they are affected;

20 (b) A citation of the specific state or federal statutes or regulations authorizing or
21 requiring the procedure or policy found in the material incorporated by
22 reference; and

23 (c) The total number of pages incorporated by reference.

24 (4) (a) 1. One (1) copy of the material incorporated by reference shall be filed
25 with the regulations compiler when the administrative regulation is filed.

26 2. For material incorporated by reference that was developed by the
27 promulgating administrative body:

1 a. The material incorporated by reference shall be prominently
2 displayed on the administrative body's Web site; and

3 b. The Uniform Resource Locator (URL) of the address where the
4 material may be directly viewed on the agency's Web site shall be
5 included in the body of the administrative regulation.

6 3. For materials incorporated by reference that are subject to a valid
7 copyright owned by a third party not controlled by the promulgating
8 administrative body, the material shall be referenced by providing
9 sufficient information to assist in locating the material from the third
10 party.

11 (b) Material incorporated by reference shall be placed in a binder, attached to the
12 back of the administrative regulation, or filed on a CD-ROM or DVD.

13 1. If the material is placed in a binder, the administrative body shall
14 indicate, on the front binder cover and on the first page of the material
15 incorporated by reference, the:

16 a. Number of the administrative regulation to which the material
17 incorporated by reference pertains;

18 b. Date on which it is filed; and

19 c. Citation of each item that is included in the binder.

20 2. The material incorporated by reference may be attached to the back of
21 the administrative regulation if it is:

22 a. No more than four (4) pages in length; and

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

25 3. The material incorporated by reference may be filed on a CD-ROM or
26 DVD disc if the material is saved in Adobe Portable Document Format
27 (PDF). The administrative body shall indicate on the disc and the disc's

1 storage case the:

- 2 a. Number of the administrative regulation to which the material
3 incorporated by reference pertains;
4 b. Date on which it is filed; and
5 c. Citation of each item that is included on the disc.

6 (c) If the same material is incorporated by reference in more than one (1)
7 administrative regulation, an administrative body may file one (1) copy of the
8 material in a binder or on a CD-ROM or DVD disc. The numbers of the
9 administrative regulations in which the material is incorporated by reference
10 shall be indicated with the other information as required by paragraph (b) of
11 this subsection.

12 ➔Section 7. KRS 13A.2255 is amended to read as follows:

13 (1) When an administrative body amends material that had been previously
14 incorporated by reference, the amendment shall be accomplished by submission of:

15 (a) An amendment to the administrative regulation with a new edition date for the
16 material incorporated by reference. The amendment shall be filed in
17 accordance with:

- 18 1. KRS 13A.220 to initiate a change in an existing administrative
19 regulation;
20 2. KRS 13A.280 to amend a proposed administrative regulation as a result
21 of the hearing or written comments received; or
22 3. KRS 13A.320 to amend a proposed administrative regulation at a
23 legislative committee~~[subcommittee]~~ meeting;

24 (b) 1. An entire new document in which the amendments have been made but
25 are not reflected in the manner specified in KRS 13A.222(2).

26 2. If the new document has been developed by the promulgating
27 administrative body, the entire document shall be displayed

1 *prominently on the administrative body's Web site and the Uniform*
2 *Resource Locator (URL) of the address where the material may be*
3 *directly viewed on the agency's Web site shall be included in the body*
4 *of the administrative regulation.*

5 *3. If any materials incorporated by reference are subject to a valid*
6 *copyright owned by a third party not controlled by the promulgating*
7 *administrative body, the material shall be referenced by providing*
8 *sufficient information to assist in locating the material from the third*
9 *party;*

10 (c) A detailed summary of the changes and their effect. This summary shall:

- 11 1. a. Describe changes that are being made in the material incorporated
12 by reference, in sufficient detail that a person reading the summary
13 will know the differences between the material previously
14 incorporated by reference and the new material; or
15 b. List each change in the manner required by KRS 13A.320(2)(c)
16 and (d); and
17 2. Be attached to the back of the administrative regulation or, if part of an
18 amendment pursuant to KRS 13A.320, to the amendment submitted for
19 the *legislative committee*~~[subcommittee]~~ meeting; and

20 (d) The page or pages of any document developed by the promulgating
21 administrative body in which changes have been made, with the changes
22 accomplished in the manner specified in KRS 13A.222(2). Notwithstanding
23 KRS 13A.040(6), the regulations compiler shall not be required to keep these
24 marked copies once the administrative regulation has been adopted or
25 withdrawn.

26 (2) (a) If the changes to the material incorporated by reference are technical in nature
27 and authorized by KRS 13A.040(10) or 13A.312, the administrative body may

1 submit to the regulations compiler a copy of the revised material incorporated
2 by reference and a detailed letter explaining what changes are made and the
3 reason for the changes.

4 (b) If the regulations compiler determines that the requested change does not
5 affect the substance of the material incorporated by reference and that the
6 change is authorized by KRS 13A.040(10) or 13A.312, the edition date stated
7 in the administrative regulation shall be changed to match the edition date on
8 the revised material and the history line of that administrative regulation shall
9 note that a technical amendment was made.

10 (c) If the requested change affects the substance of the material incorporated by
11 reference or is not authorized by KRS 13A.040(10) or 13A.312, the
12 administrative body shall comply with subsection (1) of this section.

13 ➔Section 8. KRS 13A.250 is amended to read as follows:

14 (1) An administrative body that promulgates an administrative regulation shall consider
15 the cost that the administrative regulation may cause state or local government to
16 incur. The cost analysis shall include the projected cost or cost savings to the
17 Commonwealth of Kentucky and each of its affected agencies, and the projected
18 cost or cost savings to affected local governments, including cities, counties, fire
19 departments, and school districts. Agencies affected by the administrative regulation
20 may submit comments in accordance with KRS 13A.270(1) to the promulgating
21 administrative body or to a legislative committee~~[subcommittee]~~ reviewing the
22 administrative regulation.

23 (2) Each administrative body that promulgates an administrative regulation shall
24 prepare and submit with the administrative regulation a fiscal note. The fiscal note
25 shall state:

26 (a) The number of the administrative regulation;

27 (b) The name, e-mail address, and telephone number of the contact person of the

- 1 administrative body identified pursuant to KRS 13A.220(6)(d), and, if
2 applicable, the name, e-mail address, and telephone number of an alternate
3 person to be contacted with specific questions about the fiscal note;
- 4 (c) The unit, part, or division of state or local government the administrative
5 regulation will affect;
- 6 (d) In detail, the aspect or service of state or local government to which the
7 administrative regulation relates, including identification of the applicable
8 state or federal statute or regulation that mandates the aspect or service or
9 authorizes the action taken by the administrative regulation; and
- 10 (e) The estimated effect of the administrative regulation on the expenditures and
11 revenues of a state or local government agency for the first full year the
12 administrative regulation will be in effect. If specific dollar estimates cannot
13 be determined, the administrative body shall provide a brief narrative to
14 explain the fiscal impact of the administrative regulation.

- 15 (3) Any administrative body may request the advice and assistance of the Commission
16 in the preparation of the fiscal note.

17 ➔Section 9. KRS 13A.270 is amended to read as follows:

- 18 (1) (a) In addition to the public comment period required by paragraph (c) of this
19 subsection, following publication in the Administrative Register of the text of
20 an administrative regulation, the administrative body shall, unless authorized
21 to cancel the hearing pursuant to subsection (7) of this section, hold a hearing,
22 open to the public, on the administrative regulation.

- 23 (b) The public hearing for an:

24 1. Ordinary administrative regulation shall not be held before the twenty-
25 first day or after~~[later than]~~ the last workday of the month following the
26 month in which the administrative regulation is published in the
27 Administrative Register; or~~[.]~~

1 2. Emergency administrative regulation shall not be held before the
2 twenty-first day or after the last workday of the month in which the
3 administrative regulation is published in the Administrative Register.

4 Nothing in this paragraph shall preclude the administrative body from
5 holding additional public hearings in addition to the hearing mandated in
6 subparagraph 1. or 2. of this paragraph.

- 7 (c) The administrative body shall accept written comments regarding the
8 administrative regulation during the comment period. The comment period
9 shall begin on the date the administrative regulation is filed with the
10 regulations compiler and:

11 1. For an ordinary administrative regulation, shall run until 11:59 p.m.
12 on the last day of the calendar month following the month in which the
13 administrative regulation was published in the Administrative Register;

14 or

15 2. For an emergency administrative regulation, shall run until 11:59
16 p.m. on the last day of the calendar month in which the administrative
17 regulation is published in the Administrative Register.

- 18 (2) Each administrative regulation shall state:

- 19 (a) The place, time, and date of the scheduled public hearing;
20 (b) The manner in which interested persons shall submit their:
21 1. Notification of attending the public hearing; and
22 2. Written comments;
23 (c) That notification of attending the public hearing shall be transmitted to the
24 administrative body no later than five (5) workdays prior to the date of the
25 scheduled public hearing;
26 (d) The deadline for submitting written comments regarding the administrative
27 regulation in accordance with subsection (1)(c) of this section; and

1 (e) The name, position, mailing address, e-mail address, and telephone and
2 facsimile numbers of the person to whom a notification and written comments
3 shall be transmitted.

4 (3) (a) A person who wishes to be notified that an administrative body has filed an
5 administrative regulation shall:

- 6 1. Contact the administrative body by telephone or written letter to request
7 that the administrative body send the information required by paragraph
8 (c) or (d) of this subsection to the person; or
- 9 2. Complete an electronic registration form located on a centralized state
10 government Web site developed and maintained by the Commonwealth
11 Office of Technology.

12 (b) A registration submitted pursuant to paragraph (a) of this subsection shall:

- 13 1. Indicate whether the person wishes to receive notification regarding:
 - 14 a. All administrative regulations promulgated by an administrative
15 body; or
 - 16 b. Each administrative regulation that relates to a specified subject
17 area. The subject areas shall be provided by the administrative
18 bodies and shall be listed on the centralized state government Web
19 site in alphabetical order;
- 20 2. Include a request for the person to provide an e-mail address in order to
21 receive regulatory information electronically;
- 22 3. Be valid for a period of four (4) years from the date the registration is
23 submitted, or until the person submits a written request to be removed
24 from the notification list, whichever occurs first; and
- 25 4. Be transmitted to the promulgating administrative body, if the
26 registration was made through the centralized state government Web
27 site. The collected e-mail addresses shall be used solely for the purposes

1 of this subsection and shall not be sold, transferred, or otherwise made
2 available to third parties, other than the promulgating administrative
3 body.

4 (c) A copy of the administrative regulation as filed, and all attachments required
5 by KRS 13A.230(1), shall be e-mailed:

6 1. To every person who has:

7 a. Registered pursuant to paragraph (a) of this subsection; and

8 b. Provided an e-mail address as part of the registration request;

9 2. Within five (5) working days after the date the administrative regulation
10 is filed with the Commission; and

11 3. With a request from the administrative body that affected individuals,
12 businesses, or other entities submit written comments that identify the
13 anticipated effects of the proposed administrative regulation.

14 (d) Within five (5) working days after the date the administrative regulation is
15 filed with the Commission, the administrative body shall mail the following
16 information to every person who has registered pursuant to paragraph (a) of
17 this subsection but did not provide an e-mail address:

18 1. A cover letter from the administrative body requesting that affected
19 individuals, businesses, or other entities submit written comments that
20 identify the anticipated effects of the proposed administrative regulation;

21 2. A copy of the regulatory impact analysis required by KRS 13A.240
22 completed in detail sufficient to put the individual on notice as to the
23 specific contents of the administrative regulation, including all proposed
24 amendments to the administrative regulation; and

25 3. A statement that a copy of the administrative regulation may be obtained
26 from the Commission's Web site, which can be accessed on-line through
27 public libraries or any computer with Internet access. The Commission's

1 Web site address shall be included in the statement.

2 (e) An administrative body shall not be required to send a copy of an
3 administrative regulation that was amended after comments in accordance
4 with KRS 13A.280 to persons who have registered pursuant to paragraph (a)
5 of this subsection, unless the person requested a copy pursuant to KRS
6 13A.280(8).

7 (4) (a) If small business may be impacted by an administrative regulation, the
8 administrative body shall e-mail a copy of the administrative regulation as
9 filed, and all attachments required by KRS 13A.230(1), to the chief executive
10 officer of the Commission on Small Business Advocacy within one (1)
11 working day after the date the administrative regulation is filed with the
12 Commission.

13 (b) The e-mail shall include a request from the administrative body that the
14 Commission on Small Business Advocacy review the administrative
15 regulation in accordance with KRS 11.202(1)(e) and submit its report or
16 comments in accordance with the deadline established in subsection (1)(c) of
17 this section. A copy of the report shall be filed with the regulations compiler.

18 (c) An administrative body shall not be required to send a copy of an
19 administrative regulation that was amended after comments in accordance
20 with KRS 13A.280 to the Commission on Small Business Advocacy, unless
21 its chief executive officer requested a copy pursuant to KRS 13A.280(8).

22 (5) (a) If a local government may be impacted by an administrative regulation, the
23 administrative body shall send, by e-mail if the local government has an e-
24 mail address, a copy of the administrative regulation as filed and all
25 attachments required by KRS 13A.230(1) to each local government in the
26 state within one (1) working day after the date the administrative regulation is
27 filed with the Commission. If the local government does not have an e-mail

1 address, the material shall not be sent.

2 (b) The e-mail shall include a request from the administrative body that the local
3 government review the administrative regulation in the same manner as would
4 the Commission on Small Business Advocacy under KRS 11.202(1)(e), and
5 submit its report or comments in accordance with the deadline established in
6 subsection (1)(c) of this section. A copy of the report or comments shall be
7 filed with the regulations compiler.

8 (c) An administrative body shall not be required to send a copy of an
9 administrative regulation that was amended after comments in accordance
10 with KRS 13A.280 to a local government, unless its contact person requested
11 a copy pursuant to KRS 13A.280(8).

12 (6) Persons desiring to be heard at the hearing shall notify the administrative body in
13 writing as to their desire to appear and testify at the hearing not less than five (5)
14 workdays before the scheduled date of the hearing.

15 (7) The administrative body shall immediately notify the regulations compiler by letter
16 if:

17 (a) No written notice of intent to attend the public hearing is received by the
18 administrative body at least five (5) workdays before the scheduled hearing,
19 and it chooses to cancel the public hearing; and

20 (b) No written comments have been received by the close of the last day of the
21 public comment period.

22 (8) (a) 1. Upon receipt from interested persons of their intent to attend a public
23 hearing, the administrative body shall notify the regulations compiler by
24 letter that the public hearing shall be held.

25 2. If the public hearing is held but no comments are received during the
26 hearing, the administrative body shall notify the regulations compiler by
27 letter that the public hearing was held and that no comments were

1 received.

2 (b) Upon receipt of written comments, the administrative body shall notify the
3 regulations compiler by letter that written comments have been received.

4 (9) If the notifications required by subsections (7) and (8) of this section are not
5 received by the regulations compiler by close of business on the second workday of
6 the calendar month following the end of the public comment period, the
7 administrative regulation shall be deferred to the next regularly scheduled meeting
8 of the subcommittee.

9 (10) The notifications required by subsections (7) and (8) of this section shall be made
10 by letter. The letter may be sent by e-mail if the administrative body uses an
11 electronic signature and letterhead for the e-mailed document.

12 (11) Every hearing shall be conducted in such a manner as to guarantee each person who
13 wishes to offer comment a fair and reasonable opportunity to do so, whether or not
14 such person has given the notice contemplated by subsection (6) of this section. No
15 transcript need be taken of the hearing, unless a written request for a transcript is
16 made, in which case the person requesting the transcript shall have the
17 responsibility of paying for same. A recording may be made in lieu of a transcript
18 under the same terms and conditions as a transcript. This section shall not preclude
19 an administrative body from making a transcript or making a recording if it so
20 desires.

21 (12) Nothing in this section shall be construed as requiring a separate hearing on each
22 administrative regulation. Administrative regulations may be grouped at the
23 convenience of the administrative body for purposes of hearings required by this
24 section.

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

26 (1) Following the last day of the comment period, the administrative body shall give
27 consideration to all comments received at the public hearing and all written

1 comments received during the comment period, including any report filed by the
2 Commission on Small Business Advocacy in accordance with KRS 11.202(1)(e)
3 and 13A.270(4), or by a local government in accordance with KRS 11.202(1)(e) and
4 13A.270(5).

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

10 (b) If the administrative body has received a significant number of public
11 comments:~~[-]~~

12 1. It may extend the time for filing the statement of consideration for an
13 ordinary administrative regulation and, if applicable, the amended after
14 comments version by notifying the regulations compiler in writing on or
15 before 12 noon, eastern time, on the fifteenth day of the calendar month
16 following the end of the public comment period;~~and[-]~~

17 2. The administrative body shall file the statement of consideration for an
18 ordinary administrative regulation and, if applicable, the amended after
19 comments version, with the Commission on or before 12 noon, eastern
20 time, no later than the fifteenth day of the second calendar month
21 following the end of the public comment period.

22 (3) (a) If the administrative regulation is amended as a result of the hearing or written
23 comments received, the administrative body shall forward the items specified
24 in this paragraph to the regulations compiler by 12 noon, eastern time, on the
25 applicable deadline specified in subsection (2) of this section:

26 1. The original and five (5) copies of the administrative regulation
27 indicating any amendments~~[- in the original wording]~~ resulting from

1 comments received at the public hearing and during the comment
2 period. The amendments shall be indicated in:

3 a. The original wording for an ordinary administrative regulation;

4 or

5 b. The wording of an emergency administrative regulation as
6 amended, for an emergency administrative regulation that was
7 amended at a legislative committee meeting pursuant to Section
8 4(3) of this Act;

9 2. The original and five (5) copies of the statement of consideration as
10 required by subsection (2) of this section, attached to the back of the
11 original and each copy of the administrative regulation; and

12 3. The regulatory impact analysis, tiering statement, federal mandate
13 comparison, or fiscal note on local government. These documents shall
14 reflect changes resulting from amendments made after the public
15 hearing.

16 (b) The original and four (4) copies of the amended after comments version, the
17 statement of consideration, and the attachments required by paragraph (a)3. of
18 this subsection shall be stapled in the top left corner. The fifth copy shall not
19 be stapled.

20 (c) At the same time as, or prior to, filing the paper version, the administrative
21 body shall file an electronic version of the amended after comments version,
22 the statement of consideration, and the required attachments saved as a single
23 document for each amended after comments administrative regulation in an
24 electronic format approved by the regulations compiler.

25 (4) (a) If the administrative regulation is not amended as a result of the public
26 hearing, or written comments received, the administrative body shall file the
27 original and five (5) copies of the statement of consideration with the

1 regulations compiler by 12 noon, eastern time, on the deadline established in
2 subsection (2) of this section. The original and four (4) copies of the statement
3 of consideration shall be stapled in the top left corner. The fifth copy of each
4 statement of consideration shall not be stapled.

5 (b) If the statement of consideration covers multiple administrative regulations, as
6 authorized by subsection (6)(g)1. of this section, the administrative body shall
7 file with the regulations compiler:

- 8 1. The original and five (5) copies of the statement of consideration as
9 required by paragraph (a) of this subsection; and
- 10 2. Two (2) additional unstapled copies of the statement of consideration for
11 each additional administrative regulation included in the group of
12 administrative regulations.

13 (c) At the same time as, or prior to, filing the paper version, the administrative
14 body shall file an electronic version of the statement of consideration saved as
15 a single document for each statement of consideration in an electronic format
16 approved by the regulations compiler.

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

21 (6) The format for the statement of consideration shall be as follows:

22 (a) The statement shall be typewritten on white paper, size eight and one-half (8-
23 1/2) by eleven (11) inches. Copies of the statement may be mechanically
24 reproduced;

25 (b) The first page of the statement of consideration shall have a two (2) inch top
26 margin;

27 (c) The heading of the statement shall consist of the words "STATEMENT OF

1 CONSIDERATION RELATING TO" followed by the number of the
2 administrative regulation that was the subject of the public hearing and
3 comment period and the name of the promulgating administrative body. The
4 heading shall be centered. This shall be followed by the words "Not Amended
5 After Comments," "Emergency Not Amended After Comments,"~~[or]~~
6 "Amended After Comments," or "Emergency Amended After Comments,"
7 whichever is applicable;

8 (d) If a hearing has been held or written comments received, the heading is to be
9 followed by:

- 10 1. A statement setting out the date, time and place of the hearing, if the
11 hearing was held;
- 12 2. A list of those persons who attended the hearing or who submitted
13 comments and the organization, agency, or other entity represented, if
14 applicable; and
- 15 3. The name and title of the representative of the promulgating
16 administrative body;

17 (e) Following the general information, the promulgating administrative body shall
18 summarize the comments received at the public hearing and during the
19 comment period and the response of the promulgating administrative body.
20 Each subject commented upon shall be summarized in a separate numbered
21 paragraph. Each numbered paragraph shall contain two (2) subsections:

- 22 1. Subsection (a) shall be labeled "Comment," shall identify the name of
23 the person, and the organization represented if applicable, who made the
24 comment, and shall contain a summary of the comment; and
- 25 2. Subsection (b) shall be labeled "Response" and shall contain the
26 response to the comment by the promulgating administrative body;

27 (f) Following the summary and comments, the promulgating administrative body

1 shall:

2 1. Summarize the statement and the action taken by the administrative
3 body as a result of comments received at the public hearing and during
4 the comment period; and

5 2. If amended after the comment period, list the changes made to the
6 administrative regulation in the format prescribed by KRS
7 13A.320(2)(c) and (d); and

8 (g) 1. If administrative regulations were considered as a group at a public
9 hearing, one (1) statement of consideration may include the group of
10 administrative regulations. If a comment relates to one (1) or more of the
11 administrative regulations in the group, the summary of the comment
12 and response shall specify each administrative regulation to which it
13 applies.

14 2. *Emergency administrative regulations shall be in a separate statement*
15 *of consideration from ordinary administrative regulations.*

16 (7) If the administrative regulation is amended pursuant to subsection (3) of this
17 section, the full text of the administrative regulation shall be published in the
18 Administrative Register. The changes made to the administrative regulation shall be
19 typed in bold and made in the format prescribed by KRS 13A.222(2). The
20 administrative regulation shall be reviewed by the Administrative Regulation
21 Review Subcommittee after such publication.

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

27 ➔Section 11. KRS 13A.290 is amended to read as follows:

- 1 (1) (a) Except as provided by KRS 158.6471 and 158.6472, the Administrative
2 Regulation Review Subcommittee shall meet monthly to review
3 administrative regulations prior to close of business on the fifteenth day of the
4 calendar month.
- 5 (b) The agenda shall:
- 6 1. Include each administrative regulation that completed the public
7 comment process;
- 8 2. Include each administrative regulation for which a statement of
9 consideration was received on or before 12 noon, eastern time, on the
10 fifteenth day of the prior calendar month;
- 11 3. Include each effective administrative regulation that the subcommittee
12 has decided to review;
- 13 4. Include each administrative regulation that was deferred from the prior
14 month's meeting of the subcommittee; and
- 15 5. Not include an administrative regulation that is deferred, withdrawn,
16 expired, or automatically taken off the agenda under the provisions of
17 this chapter.
- 18 (c) Review of an administrative regulation shall include the entire administrative
19 regulation and all attachments filed with the administrative regulation. The
20 review of amendments to existing administrative regulations shall not be
21 limited to only the changes proposed by the promulgating administrative
22 body.
- 23 (2) The meetings shall be open to the public.
- 24 (3) Public notice of the time, date, and place of the Administrative Regulation Review
25 Subcommittee meeting shall be given in the Administrative Register.
- 26 (4) (a) A representative of the administrative body for an administrative regulation
27 under consideration shall be present to explain the administrative regulation

1 and to answer questions thereon.

2 (b) If a representative of the administrative body with authority to amend a filed
3 administrative regulation is not present at the subcommittee meeting, the
4 administrative regulation shall be deferred to the next regularly scheduled
5 meeting of the subcommittee.

6 (c) If a representative of an administrative body for an effective administrative
7 regulation fails to appear before the subcommittee, the subcommittee may:

8 1. Defer the administrative regulation to the next regularly scheduled
9 meeting of the subcommittee; or

10 2. Make a ~~nonbinding~~ determination pursuant to KRS 13A.030(2), (3),
11 and (4), or Section 4(3) of this Act.

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 effective 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 a
23 filed administrative regulation to a legislative committee:

24 1. ~~An interim joint committee~~ with subject matter jurisdiction; ~~or~~

25 2. ~~The Senate and House standing committees with subject matter~~
26 ~~jurisdiction~~.

27 (b) Upon notification of the assignment by the Commission, the legislative

1 ~~committee~~_{subcommittee} to which the administrative regulation is assigned
2 shall notify the regulations compiler:

- 3 1. Of the date, time, and place of the meeting at which it will consider the
4 administrative regulation; or
5 2. That it will not meet to consider the administrative regulation.

6 (7) (a) Within ninety (90) days of the assignment, the legislative
7 ~~committee~~_{subcommittee} may hold a public meeting during which the
8 administrative regulation shall be reviewed.

9 (b) If the ninetieth day of the assignment falls on a Saturday, Sunday, or holiday,
10 the deadline for review shall be the workday following the Saturday, Sunday,
11 or holiday.

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

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

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

23 (d) Notice of the time, date, and place of the meeting shall be placed in the
24 legislative calendar.

25 (8) Except as provided in subsection (9) of this section, a legislative
26 ~~committee~~_{subcommittee} shall be empowered to make the same~~—nonbinding—~~
27 determinations and to exercise the same authority as the Administrative Regulation

1 Review Subcommittee.

2 (9) (a) This subsection shall apply to administrative regulations filed with the
3 Commission.

4 (b) A majority of the entire membership of the legislative
5 committee~~[subcommittee to which an administrative regulation is referred~~
6 ~~pursuant to subsection (6)(a) of this section]~~ shall constitute a quorum for
7 purposes of reviewing administrative regulations.

8 (c) In order to amend an administrative regulation pursuant to KRS 13A.320,
9 defer an administrative regulation pursuant to KRS 13A.300, or find an
10 administrative regulation deficient pursuant to KRS 13A.030(2), (3), or~~[and]~~
11 (4), or Section 4(3) of this Act, the motion to amend, defer, or find deficient
12 shall be approved by a majority of the entire membership of the legislative
13 committee~~[subcommittee]~~. Additionally, during a session of the General
14 Assembly, standing committees of the Senate and House of Representatives
15 shall agree in order to amend an administrative regulation, defer an
16 administrative regulation, or find an administrative regulation deficient by:

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

23 (10) (a) The quorum requirements of subsection (9)(b) of this section shall apply to an
24 effective administrative regulation under review by a legislative
25 committee~~[subcommittee]~~.

26 (b) A motion to find an effective administrative regulation deficient shall be
27 approved by:

- 1 1. A majority of the entire membership of the Administrative Regulation
- 2 Review Subcommittee; or
- 3 2. ~~[A majority of a House or Senate standing committee; or~~
- 4 ~~3.—]A legislative committee~~~~[joint standing committee]~~ in accordance with
- 5 subsection (9)(c)~~[2.]~~ of this section.

6 (11) (a) Upon adjournment of the meeting at which a legislative

7 committee~~[subcommittee]~~ has considered an administrative regulation

8 pursuant to subsection (7) or (10) of this section, the legislative

9 committee~~[subcommittee]~~ shall inform the regulations compiler of its

10 findings, recommendations, or other action taken on the administrative

11 regulation.

12 (b) Following the meeting and before the next regularly scheduled meeting of the

13 Commission, the legislative committee~~[subcommittee]~~ shall forward to the

14 Commission its findings, recommendations, or other comments it deems

15 appropriate in writing. The legislative committee's~~[subcommittee's]~~ findings

16 shall be published in the Administrative Register.

17 ➔Section 12. KRS 13A.300 is amended to read as follows:

18 (1) The administrative body that promulgated an administrative regulation may request

19 that consideration of the administrative regulation be deferred by a legislative

20 committee~~[the subcommittee]~~.

21 (2) The deferral of an administrative regulation scheduled for review by the

22 Administrative Regulation Review Subcommittee shall be governed by KRS

23 13A.020(4) and the following:

24 (a) A request for deferral of an ordinary administrative regulation filed with the

25 Commission shall be automatically granted if:

- 26 1. The administrative body submits a written letter to the regulations
- 27 compiler; and

- 1 2. The letter is received prior to the subcommittee meeting;
- 2 (b) A request for deferral of an effective administrative regulation *or an*
- 3 *emergency administrative regulation* may be granted if:
- 4 1. The administrative body submits a written letter to the regulations
- 5 compiler;
- 6 2. The letter is received prior to the subcommittee meeting; and
- 7 3. Approved by the co-chairs of the Administrative Regulation Review
- 8 Subcommittee;
- 9 (c) A request for deferral may be granted at the discretion of the subcommittee if
- 10 the request is made by the administrative body orally at a meeting of the
- 11 subcommittee;
- 12 (d) The subcommittee may request that consideration of an administrative
- 13 regulation be deferred by the promulgating administrative body. Upon receipt
- 14 of the request, the promulgating administrative body may agree to defer
- 15 consideration of the administrative regulation;
- 16 (e) Except as provided in paragraph (f) of this subsection, an administrative
- 17 regulation that has been deferred shall be placed on the agenda of the next
- 18 scheduled meeting of the subcommittee. If it is an administrative regulation
- 19 filed with the Commission, the subcommittee shall consider the administrative
- 20 regulation as if it had met all other requirements of filing. Repromulgation
- 21 shall not be required in those cases; and
- 22 (f) An administrative regulation shall not be deferred under this subsection more
- 23 than twelve (12) times.
- 24 (3) (a) The deferral of a filed *ordinary* administrative regulation referred to a second
- 25 *legislative* committee or committees pursuant to KRS 13A.290(6) and (7)
- 26 shall be governed by this subsection *and the voting requirements of*
- 27 *subsection (9) of Section 11 of this Act.*

- 1 (b) 1. A request for deferral shall be automatically granted if:
- 2 a. The administrative body submits a written letter to the regulations
- 3 compiler; and
- 4 b. The letter is received prior to the legislative committee meeting;
- 5 2. A request for deferral may be granted at the discretion of the second
- 6 legislative committee if the request is made by the administrative body
- 7 orally at a meeting of the legislative committee; and
- 8 3. The legislative committee may request that consideration of an
- 9 administrative regulation be deferred by the promulgating administrative
- 10 body. Upon receipt of the request, the promulgating administrative body
- 11 may agree to defer consideration of the administrative regulation.
- 12 (c) 1. An administrative regulation that is deferred may be placed on a
- 13 subsequent agenda of the legislative committee or committees within the
- 14 review period.
- 15 2. *If a filed ordinary administrative regulation that has been deferred is*
- 16 *not*~~[Unless the deferred administrative regulation is]~~ placed on a
- 17 subsequent agenda within the review period, the administrative
- 18 regulation shall take effect at the expiration of the review period.
- 19 (4) (a) The deferral of an effective administrative regulation *or an emergency*
- 20 *administrative regulation* under review by a legislative committee
- 21 ~~[subcommittee]~~ shall be governed by this subsection *and the voting*
- 22 *requirements of subsection (9) of Section 11 of this Act.*
- 23 (b) A request for deferral may be granted if:
- 24 1. The administrative body submits a written letter to the regulations
- 25 compiler;
- 26 2. The letter is received prior to the legislative committee~~[subcommittee]~~
- 27 meeting; and

1 3. Approved by the presiding chair or chairs.

2 (c) A request for deferral may be granted at the discretion of the legislative
3 committee ~~[subcommittee]~~ if the request is made by the administrative body
4 orally at a meeting of the legislative committee ~~[subcommittee]~~.

5 (d) The legislative committee ~~[subcommittee]~~ may request that consideration of an
6 administrative regulation be deferred by the administrative body. Upon receipt
7 of the request, the administrative body may agree to defer consideration of the
8 administrative regulation.

9 (e) An administrative regulation that is deferred may be placed on a subsequent
10 agenda of the legislative committee ~~[subcommittee]~~.

11 **(5) Except as provided by subsection (4) of Section 11 of this Act, if a representative**
12 **of an administrative body whose administrative regulation is scheduled for review**
13 **fails to appear before a legislative committee, the legislative committee in**
14 **conformance with subsection (9) of Section 11 of this Act may:**

15 **(a) Defer the administrative regulation to the next regularly scheduled meeting**
16 **of the legislative committee; or**

17 **(b) Make a determination pursuant to Section 2(2) or 4(2) of this Act.**

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

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

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

25 (3) (a) An ordinary administrative regulation shall be repealed only by the
26 promulgation of an administrative regulation that:

27 1. Is titled "Repeal of (state number of administrative regulation to be

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

1 (b) An ordinary administrative regulation that has been found deficient may be
2 withdrawn by the promulgating administrative body ~~or~~~~[at any time prior to~~
3 ~~receipt by the regulations compiler of the determination of the Governor made~~
4 ~~pursuant to KRS 13A.330 or may be withdrawn]~~ by the Governor at any time
5 prior to its adoption.

6 (c) ~~[If an ordinary administrative regulation is withdrawn, the administrative body~~
7 ~~or the Governor shall inform the regulations compiler of the reasons for~~
8 ~~withdrawal in writing.~~

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

11 (5) (a) An emergency administrative regulation may be withdrawn by the
12 promulgating administrative body at any time prior to its expiration.

13 (b) An emergency administrative regulation that has been found deficient may
14 be withdrawn by the promulgating administrative body or by the Governor
15 at any time prior to its expiration.

16 (6) If an administrative regulation is withdrawn, the administrative body or the
17 Governor shall inform the regulations compiler of the reasons for withdrawal in
18 writing.

19 ➔ Section 14. KRS 13A.312 is amended to read as follows:

20 (1) If authority over a subject matter is transferred to another administrative body or if
21 the name of an administrative body is changed by statute or by executive order
22 during the interim between regular sessions of the General Assembly, the
23 administrative regulations of that administrative body in effect on the effective date
24 of the statutory change or the executive order shall remain in effect as they exist
25 until the administrative body that has been granted authority over the subject matter
26 amends or repeals the administrative regulations pursuant to KRS Chapter 13A.

27 (2) After receipt of a written request, submitted pursuant to subsection (3) of this

1 section, to make changes to an administrative regulation pursuant to the statutory
2 change or executive order, the regulations compiler shall alter the administrative
3 regulations referenced in subsection (1) of this section to:

4 (a) Change the name of the administrative body pursuant to the provisions of the
5 statute or executive order; and

6 (b) Make any other technical changes necessary to carry out the provisions of the
7 statute or executive order.

8 (3) The administrative body that has been granted statutory authority over the subject
9 matter shall provide to the regulations compiler in writing:

10 (a) A listing of the administrative regulations that require any changes; and

11 (b) The specific names, terms, or other information to be changed with those
12 changes properly referenced.

13 (4) The administrative body that has been granted statutory authority over the subject
14 matter shall submit new forms to replace forms previously incorporated by
15 reference in an administrative regulation if the only changes on the form are the
16 name and mailing address of the administrative body. If there are additional changes
17 to a form incorporated by reference, the administrative body shall promulgate an
18 amendment to the existing administrative regulation and make the changes to the
19 material incorporated by reference in accordance with KRS 13A.2255.

20 (5) If an administrative body is abolished by statute or executive order and the authority
21 over its subject matter is not transferred to another administrative body, the
22 Governor, or the secretary of the cabinet to which the administrative body was
23 attached, shall promulgate an administrative regulation to repeal the existing
24 administrative regulations that were promulgated by the abolished administrative
25 body. The repeal shall be accomplished as provided by KRS 13A.310.

26 **(6) If an executive order transfers authority over a subject matter to another**
27 **administrative body or changes the name of an administrative body during the**

interim between regular sessions of the General Assembly, and the General Assembly does not codify or confirm the executive order during the next regular session, any and all administrative regulations promulgated to implement the unconfirmed executive order shall be returned to their previous form by the administrative body using the promulgation procedures established by KRS Chapter 13A, including but not limited to:

(a) Withdrawal of a proposed administrative regulation;

(b) Amendment or repeal of an existing administrative regulation;

(c) Promulgation of a new administrative regulation; or

(d) Submission of technical changes in the manner established by subsections (3) and (4) of this section.

➔Section 15. KRS 13A.315 is amended to read as follows:

(1) An administrative regulation shall expire and shall not be reviewed by a legislative committee~~[subcommittee]~~ if:

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

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

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

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

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

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

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

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

14 ➔Section 16. KRS 13A.320 is amended to read as follows:

15 (1) (a) An administrative body may amend an administrative regulation at a
16 legislative committee~~[subcommittee]~~ meeting with the consent of the
17 legislative committee~~[subcommittee]~~. A legislative committee~~[subcommittee]~~
18 may amend an administrative regulation at a legislative
19 committee~~[subcommittee]~~ meeting with the consent of the administrative
20 body.

21 (b) An administrative regulation shall not be amended at a public meeting of a
22 legislative committee~~[subcommittee]~~ unless the amendment concerns an issue
23 that was related to the administrative regulation filed with the Legislative
24 Research Commission and was:

- 25 1. Considered at the public hearing;
26 2. Raised pursuant to a comment received by the administrative body at the
27 public hearing or during the public comment period pursuant to KRS

1 13A.280(1); or

2 3. Raised during the legislative committee~~[subcommittee]~~ meeting.

3 (c) Nothing in this chapter shall be construed to require the administrative
4 regulation's resubmission or refiling or other action. The administrative
5 regulation may be adopted as amended.

6 (d) Following approval of an amendment to an administrative regulation at a
7 legislative committee~~[subcommittee]~~ meeting, the administrative regulation as
8 amended shall be published in the Administrative Register, unless all
9 amendments to the administrative regulation that were made at the meeting of
10 the legislative committee~~[subcommittee]~~:

11 1. Relate only to the formatting and drafting requirements of KRS
12 13A.220(5) and 13A.222(4)(b), (c), (i), (j), and (l); and

13 2. Do not alter the intent, meaning, conditions, standards, or other
14 requirements of the administrative regulation.

15 (e) If the amendments to an administrative regulation made at a meeting of a
16 legislative committee~~[subcommittee]~~ meet the exception requirements of
17 paragraph (d) of this subsection, the regulations compiler shall publish a
18 notice in the Administrative Register that the administrative regulation was
19 amended at a legislative committee~~[subcommittee]~~ meeting only to comply
20 with the formatting and drafting requirements of this chapter.

21 (2) When an administrative body intends to amend an administrative regulation at a
22 meeting of a legislative committee~~[the subcommittee]~~, the following requirements
23 shall be met:

24 (a) Amendments offered by the administrative body prior to a legislative
25 committee~~[subcommittee]~~ meeting shall be approved by the head of the
26 administrative body.

27 (b) Amendments shall be contained in a letter to the legislative

1 committee~~[subcommittee]~~. The letter shall:

- 2 1. Identify the administrative body;
- 3 2. State the number and title of the administrative regulation;
- 4 3. Be dated;
- 5 4. Be filed with the regulations compiler at least three (3) workdays prior
- 6 to the meeting of the legislative committee~~[subcommittee]~~ if the
- 7 amendments are initiated by the administrative body; and
- 8 5. Comply with the format requirements in paragraphs (c) and (d) of this
- 9 subsection if the amendments are initiated by the administrative body.

10 (c) On separate lines, the amendment shall be identified by the number of the:

- 11 1. Page;
- 12 2. Section, subsection, paragraph, subparagraph, clause, or subclause, as
- 13 appropriate; and
- 14 3. Line.

15 (d) 1. If a word or phrase, whether or not underlined, is to be deleted, the

16 amendment shall identify the word or phrase to be deleted and state that

17 it is to be deleted. If a word or phrase is to be replaced by another word

18 or phrase, the amendment shall specify the word or phrase that is to be

19 deleted and shall specify the word or phrase that is to be inserted in lieu

20 thereof.

21 2. If new language is to be inserted, the amendment shall state that it is to

22 be inserted, and the new language shall be underlined.

23 3. If the amendment consists of no more than four (4) words, the words

24 shall be placed between quotation marks. If the amendment consists of

25 more than four (4) words, the amendment shall be indented and not

26 placed between quotation marks.

27 4. If a section, subsection, paragraph, subparagraph, clause, or subclause is

1 to be deleted in its entirety, the amendment shall identify it and state that
2 it is deleted in its entirety, whether or not it contains underlined or
3 bracketed language.

4 (3) If an amendment is drafted by legislative committee~~[subcommittee]~~ staff on behalf
5 of a legislative committee~~[subcommittee]~~, the amendment shall be made:

- 6 (a) In the format required by subsection (2)(c) and (d) of this section; or
7 (b) By substituting the complete text of the administrative regulation, with the
8 proposed changes made to the administrative regulation typed in bold,
9 italicized, and in the format prescribed by KRS 13A.222(2).

10 (4) An amendment to an administrative regulation may be made orally at a legislative
11 committee~~[subcommittee]~~ meeting if the requirements of subsection (1)(a) of this
12 section are met.

13 (5) Except for an amendment made orally pursuant to subsection (4) of this section:

14 (a) For a meeting of the Administrative Regulation Review Subcommittee, an
15 administrative body shall submit twenty (20) copies of an amendment to an
16 administrative regulation to the regulations compiler prior to the
17 Administrative Regulation Review Subcommittee meeting at which the
18 amendment will be considered and, if applicable, in accordance with the
19 deadline established in subsection (2)(b)4. of this section; or

20 (b) For a meeting of a legislative committee~~[subcommittee]~~ other than the
21 Administrative Regulation Review Subcommittee, an administrative body
22 shall contact the regulations compiler prior to the legislative
23 committee~~[subcommittee]~~ meeting at which the amendment will be
24 considered to find out the number of copies needed for that specific legislative
25 committee~~[subcommittee]~~. The original amendment and the specified number
26 of copies shall be submitted to the regulations compiler prior to the legislative
27 committee~~[subcommittee]~~ meeting at which the amendment will be

1 considered and, if applicable, in accordance with the deadline established in
2 subsection (2)(b)4. of this section.

3 ➔Section 17. KRS 13A.330 is amended to read as follows:

4 (1) (a) If a filed ordinary administrative regulation has been found deficient, the
5 legislative committee~~[subcommittee]~~ shall transmit to the Governor and the
6 regulations compiler:

- 7 1. A copy of the finding of deficiency and other relevant findings,
8 recommendations, or comments; and
- 9 2. A request that the Governor determine whether the administrative
10 regulation shall:
 - 11 a. Be withdrawn;
 - 12 b. Be amended at a legislative committee~~[subcommittee]~~ meeting
13 pursuant to KRS 13A.320 to conform to the finding of deficiency;
14 or
 - 15 c. Become effective pursuant to the provisions of this section
16 notwithstanding the finding of deficiency.

17 (b) The Governor shall transmit his or her determination to the Commission and
18 the regulations compiler.

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

- 21 1. a. The review period established in this chapter has been completed;
22 and
- 23 b. The regulations compiler has received the Governor's
24 determination that the administrative regulation shall become
25 effective pursuant to the provisions of this section notwithstanding
26 the finding of deficiency; or
- 27 2. The legislative committee~~[subcommittee]~~ that found the filed

1 administrative regulation deficient subsequently determines that it is not
2 deficient in accordance with KRS 13A.335, provided that this
3 determination was made prior to receipt by the regulations compiler of
4 the Governor's determination.

5 (2) (a) If an emergency administrative regulation has been found deficient, the
6 legislative committee finding it deficient shall transmit to the Governor and
7 the regulations compiler:

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

10 2. A request that the Governor determine whether the emergency
11 administrative regulation shall:

12 a. Be withdrawn;

13 b. Be amended at a legislative committee meeting pursuant to KRS
14 13A.320 to conform to the finding of deficiency; or

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

17 (b) The Governor shall transmit his or her determination to the Commission
18 and the regulations compiler.

19 (c) The legislative committee that found the emergency administrative
20 regulation deficient may subsequently determine that it is not deficient in
21 accordance with KRS 13A.335.

22 (3) If an effective **ordinary** administrative regulation has been found deficient by a
23 legislative committee~~[subcommittee]~~, the legislative committee~~[subcommittee]~~
24 shall transmit to the Governor a copy of its finding of deficiency and other findings,
25 recommendations, or comments it deems appropriate.

26 ➔Section 18. KRS 13A.331 is amended to read as follows:

27 A filed ordinary administrative regulation that has not been deferred or found deficient

1 and has been referred by the Commission to a legislative committee shall be considered
2 as adopted and shall become effective:

3 (1) Upon adjournment of a meeting of a legislative~~[an interim joint]~~ committee other
4 than the subcommittee if:

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

6 (b) A quorum was present;

7 ~~(2) Upon adjournment of a meeting of a joint standing committee if:~~

8 ~~(a) The administrative regulation was on the meeting agenda; and~~

9 ~~(b) A quorum was present;~~

10 ~~(3) Upon adjournment of a meeting of a House or Senate standing committee if:~~

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

12 (b) A quorum was present; and

13 (c) The administrative regulation has previously been on a meeting agenda of the
14 other standing committee when a quorum was present; or

15 ~~(3)(4)~~ At the expiration of the review period established in KRS 13A.290(7), if
16 within the review period a legislative committee~~[subcommittee]~~ has failed to meet
17 or failed to place a filed administrative regulation on a meeting agenda.

18 ➔Section 19. KRS 13A.335 is amended to read as follows:

19 (1) (a) A filed administrative regulation found deficient by a legislative
20 committee~~[subcommittee]~~ shall not be considered deficient if:

21 1. A subsequent amendment of that administrative regulation is filed with
22 the Commission by the administrative body;

23 2. The legislative committee~~[subcommittee]~~ that found the administrative
24 regulation deficient approves a motion that the subsequent amendment
25 corrects the deficiency; and

26 3. Any legislative committee~~[subcommittee]~~ that reviews the
27 administrative regulation under the provisions of KRS Chapter 13A

1 finds that the administrative regulation is not deficient.

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

4 1. The administrative regulation is amended to correct the deficiency at a
5 meeting of the legislative committee~~[subcommittee]~~ to which it was
6 assigned by the Commission;

7 2. That legislative committee~~[subcommittee]~~ does not determine that the
8 administrative regulation is deficient for any other reason; and

9 3. The Administrative Regulation Review Subcommittee approves a
10 motion that the deficiency has been corrected and that the administrative
11 regulation should not be considered deficient.

12 (c) A filed administrative regulation found deficient by a legislative
13 committee~~[subcommittee]~~ with subject matter jurisdiction shall not be
14 considered deficient if the legislative committee~~[subcommittee]~~:

15 1. Reconsiders the administrative regulation and its finding of deficiency;
16 and

17 2. Approves a motion that the administrative regulation is not deficient.

18 (d) If an amendment to an effective administrative regulation is going through the
19 KRS Chapter 13A promulgation process and is found deficient by a legislative
20 committee~~[subcommittee]~~, the administrative regulation shall not be
21 considered deficient if the:

22 1. Administrative regulation was found deficient due to the amendment;

23 2. Promulgating administrative body has withdrawn the proposed
24 amendment of the existing administrative regulation; and

25 3. Regulations compiler has not received the Governor's determination
26 pursuant to KRS 13A.330.

27 (2) If an effective administrative regulation is found deficient by a legislative

1 committee~~[subcommittee]~~, the administrative regulation shall not be considered
2 deficient if the legislative committee~~[subcommittee]~~:

3 (a) Reconsiders the administrative regulation and its finding of deficiency; and

4 (b) Approves a motion that the administrative regulation is not deficient.

5 (3) (a) If an administrative regulation has been found deficient by a legislative
6 committee~~[subcommittee]~~, the regulations compiler shall add the following
7 notice to the administrative regulation: "This administrative regulation was
8 found deficient by the [name of legislative committee~~[subcommittee]~~] on
9 [date]." This notice shall be the last section of the administrative regulation.

10 (b) If an administrative regulation has been found deficient by a legislative
11 committee~~[subcommittee]~~, subsequent amendments of that administrative
12 regulation filed with the Commission shall contain the notice provided in
13 paragraph (a) of this subsection.

14 (c) If an administrative regulation that has been found deficient by a legislative
15 committee~~[subcommittee]~~ has subsequently been determined not to be
16 deficient under the provisions of this section, the regulations compiler shall
17 delete the notice required by paragraph (a) of this subsection.

18 ➔Section 20. KRS 13A.336 is amended to read as follows:

19 (1) (a) After the last regularly scheduled meeting of the Administrative Regulation
20 Review Subcommittee in a calendar year, but by the thirty-first day of
21 December of that calendar year, the staff of the Administrative Regulation
22 Review Subcommittee shall submit a report to the co-chairs of that
23 subcommittee regarding administrative regulations that were found deficient
24 by any legislative committee~~[subcommittee]~~ of the Commission during that
25 calendar year.

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

27 1. Effective administrative regulations that were found deficient; and

1 2. Administrative regulations filed with the Commission that were found
2 deficient.

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

5 (a) Has been withdrawn; or

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

7 (3) The report shall contain at least the following information for each administrative
8 regulation in the report:

9 (a) Administrative regulation number and title;

10 (b) Name of the promulgating agency;

11 (c) Date of deficiency determination;

12 (d) Name of the legislative committee~~[subcommittee]~~ that made the deficiency
13 determination;

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

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

17 (g) If applicable under KRS 13A.330, the Governor's determination regarding the
18 deficiency, if received by the Commission.

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

21 "To ratify the deficiency findings listed in this report, a co-chair or other legislator
22 may request that Legislative Research Commission staff prepare a bill:

23 (a) Declaring that one (1) or more administrative regulations listed in the report
24 shall be void; or

25 (b) Amending the relevant subject matter statutes in conformity with the findings
26 of deficiency."

27 ➔Section 21. KRS 13A.338 is amended to read as follows:

- 1 (1) The General Assembly finds that certain administrative regulations as evidenced by
2 the records of the Legislative Research Commission, including but not limited to
3 the Kentucky Administrative Regulations Service and the Administrative Register
4 of Kentucky, were found deficient but became effective notwithstanding the finding
5 of deficiency, pursuant to KRS 13A.330~~[(5)(a)2. or 13A.331(5)(a)2.]~~, on or after
6 March 27, 2002, and before March 16, 2004.
- 7 (2) Contrary provisions of any section of the Kentucky Revised Statutes
8 notwithstanding, each administrative regulation referenced in subsection (1) of this
9 section shall be null, void, and unenforceable as of March 16, 2004.
- 10 (3) Contrary provisions of any section of the Kentucky Revised Statutes
11 notwithstanding, the administrative body shall be prohibited from promulgating an
12 administrative regulation that is identical to, or substantially the same as, any of the
13 administrative regulations referenced in subsection (1) of this section for a period
14 beginning on March 16, 2004, and concluding on June 1, 2005.
- 15 (4) A list of the administrative regulations referenced in subsection (1) of this section
16 shall be available to the public, in the office of the Legislative Research
17 Commission's regulations compiler.

18 ➔Section 22. KRS 214.020 is amended to read as follows:

19 (1) When the Cabinet for Health and Family Services determines~~[believes]~~ that
20 an~~[there is a probability that any]~~ infectious or contagious disease will invade this
21 state, it shall take necessary~~[such]~~ action and promulgate administrative~~[adopt and~~
22 ~~enforce such rules and]~~ regulations under KRS Chapter 13A to prevent~~[as it deems~~
23 ~~efficient in preventing]~~ the introduction or spread of such infectious or contagious
24 disease or diseases within this state~~[, and to accomplish these objects shall establish~~
25 ~~and strictly maintain quarantine and isolation at such places as it deems proper]~~.

26 (2) Any administrative regulation promulgated under the authority of this section
27 shall:

1 (a) Be in effect no longer than thirty (30) days if the administrative regulation:

2 1. Places restrictions on the in-person meeting or functioning of the
3 following:

4 a. Elementary, secondary, or postsecondary educational
5 institutions;

6 b. Private businesses or non-profit organizations;

7 c. Political, religious, or social gatherings;

8 d. Places of worship; or

9 e. Local governments; or

10 2. Imposes mandatory quarantine or isolation requirements;

11 (b) Include the penalty, appeal, and due process rights for violations of the
12 administrative regulation; and

13 (c) Contain the public hearing and written comment period notice required by
14 Section 9 of this Act.

15 ➔Section 23. KRS 214.990 is amended to read as follows:

16 (1) Every head of a family who willfully fails or refuses and every physician who fails
17 or refuses to comply with KRS 214.010 shall be guilty of a violation for each day he
18 neglects or refuses to report. Repeated failure to report is sufficient cause for the
19 revocation of a physician's certificate to practice medicine in this state.

20 (2) Any~~[- owner or]~~ person~~[- having charge of any public or private conveyance,~~
21 ~~including watercraft,]~~ who willfully violates any administrative regulation
22 promulgated under KRS Chapter 13A~~[-refuses to obey the rules and regulations~~
23 ~~made]~~ by the Cabinet for Health and Family Services under KRS 214.020 shall be
24 guilty of a Class B misdemeanor.

25 (3) Any physician or other person legally permitted to engage in attendance upon a
26 pregnant woman during pregnancy or at delivery who fails to exercise due diligence
27 in complying with KRS 214.160 and 214.170 shall be guilty of a violation.

1 (4) Any person who violates any of the provisions of KRS 214.280 to 214.310 shall be
2 guilty of a Class A misdemeanor.

3 (5) Any person who violates any provision of KRS 214.034 or KRS 158.035 shall be
4 guilty of a Class B misdemeanor.

5 (6) Any person who violates any provision of KRS 214.420 shall be guilty of a
6 violation. Each violation shall constitute a separate offense.

7 (7) Any person who knowingly violates any provision of KRS 214.452 to 214.466 shall
8 be guilty of a Class D felony. Each violation shall constitute a separate offense.

9 ➔Section 24. If any provision of this Act or the application thereof to any person
10 or circumstance is held invalid, the invalidity shall not affect other provisions or
11 applications of the Act that can be given effect without the invalid provision or
12 application, and to this end the provisions of this Act are severable.

13 ➔Section 25. Whereas, ensuring that Kentucky citizens have adequate access to
14 the administrative regulation process is a compelling and immediate need, an emergency
15 is declared to exist, and this Act takes effect upon its passage and approval by the
16 Governor or upon its otherwise becoming a law.