

1 AN ACT relating to administrative regulations.

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

- 1 (13) "Major economic impact" means an overall negative or adverse economic impact
2 from an administrative regulation of five hundred thousand dollars (\$500,000) or
3 more on state or local government or regulated entities, in aggregate, as determined
4 by the promulgating administrative bodies;
- 5 (14) "Proposed administrative regulation" means an administrative regulation that:
6 (a) Has been filed by an administrative body; and
7 (b) Has not become effective or been withdrawn;
- 8 (15) "Regulatory impact analysis" means a written statement containing the provisions
9 required by KRS 13A.240;
- 10 (16) **"Signature" means the application of letters or numbers that signify the intent to**
11 **sign, are uniquely linked to the signer, and are:**
12 **(a) Produced by manual or handwritten means;**
13 **(b) An image of the manual or handwritten signature produced under**
14 **paragraph (a) of this subsection; or**
15 **(c) Produced by using a digital signature scheme or electronic confirmation**
16 **method that allows for verification of authenticity;**
- 17 **(17)** "Small business" means a business entity, including its affiliates, that:
18 (a) Is independently owned and operated; and
19 (b) 1. Employs fewer than one hundred fifty (150) full-time employees or their
20 equivalent; or
21 2. Has gross annual sales of less than six million dollars (\$6,000,000);
- 22 **(18)**~~(17)~~ "Statement of consideration" means the document required by KRS 13A.280
23 in which the administrative body summarizes the comments received, its responses
24 to those comments, and the action taken, if any, as a result of those comments and
25 responses;
- 26 **(19)**~~(18)~~ "Subcommittee" means the Administrative Regulation Review Subcommittee
27 of the Legislative Research Commission;

1 ~~(20)~~~~(19)~~ "Tiering" means the tailoring of regulatory requirements to fit the particular
2 circumstances surrounding regulated entities; and

3 ~~(21)~~~~(20)~~ "Written comments" means comments submitted to the administrative body's
4 contact person identified pursuant to KRS 13A.220(6)(d) via hand delivery, United
5 States mail, email~~e-mail~~, or facsimile and may include but is not limited to
6 comments submitted internally from within the promulgating administrative body
7 or from another administrative body.

8 ➔Section 2. KRS 13A.040 is amended to read as follows:

9 The director of the Legislative Research Commission shall appoint an administrative
10 regulations compiler who shall:

- 11 (1) Receive administrative regulations, and other documents required to be filed by the
12 provisions of this chapter, tendered for filing;
- 13 (2) Stamp administrative regulations tendered for filing with the time and date of
14 receipt;
- 15 (3) Provide administrative and support services to the subcommittee;
- 16 (4) Maintain a file of administrative regulations and other documents required to be
17 filed by this chapter, for public inspection, with suitable indexes;
- 18 (5) Maintain a file of ineffective administrative regulations;
- 19 (6) Maintain a file of material incorporated by reference, including superseded or
20 ineffective material incorporated by reference;
- 21 (7) Prepare the Kentucky Administrative Regulations Service;
- 22 (8) Upon request, certify copies of administrative regulations and other documents that
23 have been filed with the regulations compiler;
- 24 (9) Correct errors that do not change the substance of an administrative regulation,
25 including but not limited to typographical errors, errors in format, and grammatical
26 errors;
- 27 (10) (a) Change the following items in an administrative regulation in response to a

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

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

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

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

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

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

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

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

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

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

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

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

20 (3) An emergency administrative regulation:

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

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

24 (c) Shall be subject to the public comment provisions established in KRS
25 13A.270 and 13A.280;

26 (d) 1. May be reviewed at a subsequent meeting of a legislative committee
27 after the filing of the emergency administrative regulation; and

1 2. May, by a vote of the majority of the legislative committee's
2 membership as established by KRS 13A.020(4) and 13A.290(9), be
3 found to be deficient, and the deficiency shall be reported to the
4 Governor pursuant to KRS 13A.330(2); and

5 (e) May be amended:

6 1. By the promulgating administrative body after receiving public
7 comments as established in KRS 13A.280. The amended after
8 comments version shall:

9 a. Become effective upon filing; and

10 b. Not require a statement of emergency; or

11 2. At a legislative committee meeting as established in KRS 13A.320. The
12 amendment shall be approved as established by KRS 13A.020(4)
13 ~~or~~~~and~~ KRS 13A.290(9). The amended version shall become effective
14 upon adjournment of the meeting following the procedures established
15 in KRS 13A.020(4) or 13A.331(1) and (2).

16 (4) (a) Except as provided by paragraph (b) of this subsection, emergency
17 administrative regulations shall expire two hundred seventy (270) days after
18 the date of filing or when the same matter filed as an ordinary administrative
19 regulation filed for review is adopted, whichever occurs first.

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

27 (c) Filing an emergency amended after comments administrative regulation shall

1 not affect the expiration of an emergency regulation as established in
2 paragraphs (a) and (b) of this subsection.

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

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

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

- 14 (a) The nature of the emergency;
15 (b) The reasons why an ordinary administrative regulation is not sufficient;
16 (c) Whether or not the emergency administrative regulation will be replaced by
17 an ordinary administrative regulation;
18 (d) If the emergency administrative regulation will be replaced by an ordinary
19 administrative regulation, the following statement: "The ordinary
20 administrative regulation (is or is not) identical to this emergency
21 administrative regulation.";
22 (e) If the emergency administrative regulation will not be replaced by an ordinary
23 administrative regulation, the reasons therefor; and
24 (f) If applicable, the explanation required by subsection (6) of this section.

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

- 26 1. Statement of emergency required by subsection (7) of this section to the
27 front of the original and each copy of a proposed emergency

- 1 administrative regulation;
- 2 2. Public hearing and public comment period information required by KRS
- 3 13A.270(2), regulatory impact analysis, tiering statement, federal
- 4 mandate comparison, fiscal note, summary of material incorporated by
- 5 reference if applicable, and other forms or documents required by the
- 6 provisions of this chapter to the back of the emergency administrative
- 7 regulation; and
- 8 3. Documentary evidence submitted justifying the finding of an emergency
- 9 in accordance with subsection (1) of this section to the back of the
- 10 emergency regulation if it is:
- 11 a. No more than **ten (10)**~~four (4)~~ pages in length; and
- 12 b. Typewritten on white paper, size eight and one-half (8-1/2) by
- 13 eleven (11) inches, and single-sided.

14 Larger volumes of documentary evidence shall be filed in a separate

15 binder,~~or~~ on a CD-ROM or DVD disc, **or in a different electronic**

16 **format approved by the regulations compiler.**

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

- 18 1. The original and **four (4)**~~five (5)~~ copies of the emergency
- 19 administrative regulation; and
- 20 2. At the same time as, or prior to, filing the paper version, an electronic
- 21 version of the emergency administrative regulation and the attachments
- 22 required by paragraph (a) of this subsection saved as a single document
- 23 for each emergency administrative regulation in an electronic format
- 24 approved by the regulations compiler.

25 (c) **1. Each**~~The~~ original ~~and four (4) copies of each~~ emergency

26 administrative regulation shall be **single-sided and** stapled in the top left

27 corner.

- 1 **2. One (1) of the copies shall be single-sided and unstapled.**
- 2 **3. The other three (3) copies shall be stapled in the top left corner and**
- 3 **may be double-sided**~~[The fifth copy of each emergency administrative~~
- 4 ~~regulation shall not be stapled].~~
- 5 **4.** The original and the **four (4)**~~[five (5)]~~ copies of each emergency
- 6 administrative regulation shall be grouped together.
- 7 (9) The statement of emergency shall have a two (2) inch top margin. The number of
- 8 the emergency administrative regulation shall be typed directly below the heading
- 9 "Statement of Emergency." The number of the emergency administrative regulation
- 10 shall be the same number as the ordinary administrative regulation followed by an
- 11 "E."
- 12 (10) Each executive department emergency administrative regulation shall be signed by
- 13 the head of the administrative body and countersigned by the Governor prior to
- 14 filing with the Commission. These signatures shall be on the statement of
- 15 emergency attached to the front of the emergency administrative regulation.
- 16 (11) If an emergency administrative regulation will be replaced by an ordinary
- 17 administrative regulation, the ordinary administrative regulation shall be filed at the
- 18 same time as the emergency administrative regulation that it will replace.
- 19 (12) If an ordinary administrative regulation that was filed to replace an emergency
- 20 administrative regulation:
- 21 **(a)** Is withdrawn:
- 22 **1.**~~[(a)]~~ The emergency administrative regulation shall expire on the date
- 23 the ordinary administrative regulation is withdrawn; and
- 24 **2.**~~[(b)]~~ The administrative body shall inform the regulations compiler of
- 25 the reasons for withdrawal in writing; **or**
- 26 **(b) Expires, the emergency administrative regulation shall expire on the date**
- 27 **the ordinary administrative regulation expires pursuant to subsection (1) of**

1 **Section 15 of this Act.**

- 2 (13) (a) If an emergency administrative regulation that was intended to be replaced by
3 an ordinary administrative regulation is withdrawn, the emergency
4 administrative regulation shall expire on the date it is withdrawn.
- 5 (b) If an emergency administrative regulation has been withdrawn, the ordinary
6 administrative regulation that was filed with it shall not expire unless the
7 administrative body informs the regulations compiler that the ordinary
8 administrative regulation is also withdrawn.
- 9 (c) If an emergency administrative regulation is withdrawn, the administrative
10 body shall inform the regulations compiler of the reasons for withdrawal in
11 writing.
- 12 (14) The administrative regulations compiler shall notify all legislative committees of
13 the number, title, and subject matter of all emergency administrative regulations
14 and shall forward any additional information filed about the emergency
15 administrative regulation requested by a legislative committee.
- 16 ➔Section 4. KRS 13A.220 is amended to read as follows:
- 17 All administrative regulations shall comply with the provisions of KRS 13A.222 and
18 13A.224.
- 19 (1) (a) An administrative body shall file with the regulations compiler:
- 20 1. The original and **four (4)**~~five (5)~~ copies of an administrative
21 regulation; and
- 22 2. At the same time as, or prior to, filing the paper version, an electronic
23 version of the administrative regulation and required attachments saved
24 as a single document for each administrative regulation in an electronic
25 format approved by the regulations compiler.
- 26 (b) If there are differences between the paper copy and the electronic version of
27 an administrative regulation filed with the regulations compiler, the electronic

1 version shall be the controlling version.

2 (2) (a) Each original administrative regulation shall be single-sided and stapled in
3 the top left corner.

4 (b) One (1) of the copies shall be single-sided and unstapled.

5 (c) The other three (3) copies~~[The original and four (4) copies of each~~
6 ~~administrative regulation]~~ shall be stapled in the top left corner and may be
7 double-sided~~]. The fifth copy of each administrative regulation shall not be~~
8 ~~stapled].~~

9 (d) The original and the four (4)~~[five (5)]~~ copies of each administrative regulation
10 shall be grouped together.

11 (3) An amendment to an administrative regulation shall not be made on a copy of the
12 administrative regulation reproduced from the Kentucky Administrative
13 Regulations Service or the Administrative Register. It shall be a typed original in
14 the format specified in subsection (4) of this section.

15 (4) The format of an administrative regulation shall be as follows:

16 (a) An administrative regulation shall be typewritten on white paper, size eight
17 and one-half (8-1/2) by eleven (11) inches and shall be double-spaced through
18 the last line of the body of the administrative regulation. The first page shall
19 have a two (2) inch top margin. The administrative regulation shall be typed
20 in a twelve (12) point font approved by the regulations compiler. The lines on
21 each page shall be numbered, with each page starting with line number one
22 (1). Pages of an administrative regulation and documents attached to the
23 administrative regulation shall be numbered sequentially. Page numbers shall
24 be centered in the bottom margin of each page. Copies of the administrative
25 regulation may be mechanically reproduced;

26 (b) The regulations compiler shall place a stamp indicating the date and time of
27 receipt of the administrative regulation in the two (2) inch margin on the first

1 page;

2 (c) The cabinet, department, and division of the administrative body shall be
3 listed on separate double-spaced lines two (2) inches from the top in the upper
4 left hand corner of the first page. This shall be followed on the next double-
5 spaced line by "(New Administrative Regulation)," "(Amendment)," "
6 "(Amended After Comments)," "(Repealer)," "(New Emergency
7 Administrative Regulation)," "(Emergency Amendment)," "(Emergency
8 Amended After Comments)," or "(Emergency Repealer)," whichever is
9 applicable;

10 (d) The notation shall be followed by the number and title of the administrative
11 regulation on the next double-spaced line. The promulgating administrative
12 body shall contact the regulations compiler prior to filing to obtain an
13 administrative regulation number for a new administrative regulation;

14 (e) On the next double-spaced line following the number and title of an
15 administrative regulation, after the words "RELATES TO:," the
16 administrative body shall list all statutes and other enactments, including any
17 branch budget bills or executive orders, to which the administrative regulation
18 relates or which shall be affected by the administrative regulation. After the
19 words "STATUTORY AUTHORITY:" the administrative body shall list the
20 specific statutes and other enactments, where applicable, authorizing the
21 promulgation of the administrative regulation. Federal statutes and regulations
22 shall be cited in the "RELATES TO:" and "STATUTORY AUTHORITY:"
23 sections as provided by KRS 13A.222(4)(n) and (o); and

24 (f) Following the citations provided for in paragraph (e) of this subsection, and
25 following the words "NECESSITY, FUNCTION, AND CONFORMITY:" the
26 administrative body shall include a brief statement setting forth the necessity
27 for promulgating the administrative regulation, a summary of the functions

1 intended to be implemented by the administrative regulation, and, if
2 applicable, the statement required by KRS 13A.245(2)(b).

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

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

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

23 (b) The authorizing signature of the administrative body promulgating the
24 administrative regulation, and the date on which the administrative body
25 approved the promulgation;

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

- 1 (d) The name, position, mailing address, telephone number, email~~[e-mail]~~
2 address, and facsimile number of the contact person of the administrative
3 body. The contact person shall be the person authorized by the head of an
4 administrative body to:
- 5 1. Receive information relating to issues raised by the public or by a
6 legislative committee prior to a public meeting of the legislative
7 committee;
 - 8 2. Negotiate changes in language with a legislative committee in order to
9 resolve such issues; and
 - 10 3. Answer questions relating to the administrative regulation.
- 11 (7) The format for signatures required by subsection (6)(a) and (b) of this section shall
12 be as follows:
- 13 (a) The signature shall be placed on a signature line; and
 - 14 (b) The name and title of the person signing shall be typed immediately beneath
15 the signature line.
- 16 (8) **Within five (5) working days of filing an administrative regulation,** an
17 administrative body shall prominently display on its website~~[Web site]~~:
- 18 (a) A notice that an administrative regulation has been filed with the
19 Commission;
 - 20 (b) A summary of the administrative regulation including:
 - 21 1. The number of the administrative regulation;
 - 22 2. The title of the administrative regulation; and
 - 23 3. **A brief explanation of the administrative regulation if new or the**~~[Any]~~
24 changes made if it is an existing administrative regulation;
 - 25 (c) Information on how to access the administrative regulation on the
26 Commission's website~~[Web site]~~; and
 - 27 (d) The dates of the public comment period and the place, time, and date of the

1 scheduled public hearing as well as the manner in which interested parties
2 shall submit:

- 3 1. Notification of attending the public hearing; and
- 4 2. Written comments.

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

- 8 1. Is on the administrative body's official letterhead; and
- 9 2. Contains the signature of a representative of that administrative body.

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

12 ➔Section 5. KRS 13A.2251 is amended to read as follows:

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

- 15 (a) The title of the material incorporated by reference placed in quotation marks,
16 followed by the edition date of the material;
- 17 (b) Information on how the material may be obtained; and
- 18 (c) A statement that the material is available for public inspection and copying,
19 subject to copyright law, at the main, regional, or branch offices of the
20 administrative body, and the address and office hours of each. Following the
21 required statement, the administrative body shall include information that
22 states the administrative body's website~~[Web-site]~~ address or telephone
23 number or that provides contact information for other sources that may have
24 the material available to the public.

25 (2) The section incorporating material by reference shall be titled "Incorporation by
26 Reference".

27 (a) If only one (1) item is incorporated by reference, the first subsection of the

1 section incorporating material by reference shall contain the following
2 statement: "(name and edition date of material incorporated) is incorporated
3 by reference."

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

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

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

16 (a) **The name and edition date of each item incorporated by reference**~~[Relevant~~
17 ~~programs, statutes, funds, rights, duties, and procedures affected by the~~
18 ~~material and the manner in which they are affected];~~

19 (b) **An explanation of each item and its intended use**~~[A citation of the specific~~
20 ~~state or federal statutes or regulations authorizing or requiring the procedure~~
21 ~~or policy found in the material incorporated by reference]; and~~

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

23 (4) (a) ~~[1.—]~~One (1) copy of the material incorporated by reference shall be filed
24 with the regulations compiler when the administrative regulation is filed,
25 **and:—**

26 **1.**~~[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 website~~[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 website~~[Web site]~~
5 shall be included in the body of the administrative regulation; or~~[]~~
- 6 2.~~[3.]~~ For material~~[materials]~~ incorporated by reference that is~~[are]~~ subject to
7 a valid copyright owned by a third party not controlled by the
8 promulgating administrative body, the material shall be referenced by
9 providing sufficient information to assist in locating the material from
10 the third party, including the ISBN if available.
- 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, or
13 filed in a different electronic format approved by the regulations compiler.
- 14 1. If the material is placed in a binder, the administrative body shall
15 indicate, on the front binder cover and on the first page of the material
16 incorporated by reference, the:
- 17 a. Number of the administrative regulation to which the material
18 incorporated by reference pertains;
- 19 b. Date on which it is filed; and
- 20 c. Citation of each item that is included in the binder.
- 21 2. The material incorporated by reference may be attached to the back of
22 the administrative regulation if it is:
- 23 a. No more than ten (10)~~[four (4)]~~ pages in length; and
- 24 b. Typewritten on white paper, size eight and one-half (8 1/2) by
25 eleven (11) inches, and single-sided.
- 26 3. The material incorporated by reference may be filed on a CD-ROM or
27 DVD disc if the material is saved in Adobe Portable Document Format

1 (PDF). The administrative body shall indicate on the disc and the disc's
2 storage case the:

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

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

14 ➔Section 6. KRS 13A.2255 is amended to read as follows:

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

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

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

26 (b) ~~1. —~~An entire new document in which the amendments have been made but
27 are not reflected in the manner specified in KRS 13A.222(2), and:~~1. —~~

- 1 ~~1.~~^{2.} If the new document has been developed by the promulgating
2 administrative body, the entire document shall be displayed prominently
3 on the administrative body's website~~[Web site]~~ and the Uniform
4 Resource Locator (URL) of the address where the material may be
5 directly viewed on the agency's website~~[Web site]~~ shall be included in
6 the body of the administrative regulation; or~~;~~
- 7 ~~2.~~^{3.} If any materials incorporated by reference are subject to a valid
8 copyright owned by a third party not controlled by the promulgating
9 administrative body, the material shall be referenced by providing
10 sufficient information to assist in locating the material from the third
11 party, including the ISBN if available;
- 12 (c) A~~[detailed]~~ summary of the amended material~~[changes and their effect]~~.
13 This summary shall:
- 14 1. Include the name and edition date of each item incorporated by
15 reference, an explanation of each item's changes and their effect, and
16 the total number of pages incorporated by reference~~[a. Describe~~
17 ~~changes that are being made in the material incorporated by reference, in~~
18 ~~sufficient detail that a person reading the summary will know the~~
19 ~~differences between the material previously incorporated by reference~~
20 ~~and the new material; or~~
- 21 ~~b. List each change in the manner required by KRS 13A.320(2)(c)~~
22 ~~and (d)]~~; and
- 23 2. Be attached to the back of the administrative regulation or, if part of an
24 amendment pursuant to KRS 13A.320, to the amendment submitted for
25 the legislative committee meeting; and
- 26 (d) The page or pages of any document developed by the promulgating
27 administrative body in which changes have been made, with the changes

1 accomplished in the manner specified in KRS 13A.222(2). Notwithstanding
2 KRS 13A.040(6), the regulations compiler shall not be required to keep these
3 marked copies once the administrative regulation has been adopted or
4 withdrawn.

5 (2) (a) If the changes to the material incorporated by reference are technical in nature
6 and authorized by KRS 13A.040(10) or 13A.312, the administrative body
7 may submit to the regulations compiler a copy of the revised material
8 incorporated by reference and a detailed letter explaining what changes are
9 made and the reason for the changes.

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

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

19 ➔Section 7. KRS 13A.240 is amended to read as follows:

20 (1) Every administrative body shall prepare and submit to the Legislative Research
21 Commission an original and four (4)~~five (5)~~ duplicate copies of a regulatory
22 impact analysis for every administrative regulation when it is filed with the
23 Commission. The regulatory impact analysis shall include the following
24 information:

25 (a) The number of the administrative regulation;

26 (b) The name, email~~e-mail~~ address, and telephone number of the contact person
27 of the administrative body identified pursuant to KRS 13A.220(6)(d), and, if

1 applicable, the name, email~~[-mail]~~ address, and telephone number of an
2 alternate person to be contacted with specific questions about the regulatory
3 impact analysis;

4 (c) A brief narrative summary of:

- 5 1. What the administrative regulation does;
- 6 2. The necessity of the administrative regulation;
- 7 3. How the administrative regulation conforms to the content of the
8 authorizing statutes; and
- 9 4. How the administrative regulation currently assists or will assist in the
10 effective administration of the statutes;

11 (d) If this is an amendment to an existing administrative regulation, a brief
12 narrative summary of:

- 13 1. How the amendment will change the existing administrative regulation;
- 14 2. The necessity of the amendment to the administrative regulation;
- 15 3. How the amendment conforms to the content of the authorizing statutes;
16 and
- 17 4. How the amendment to the administrative regulation will assist in the
18 effective administration of the statutes;

19 (e) *At least three (3) subject index headings reflecting the content of the*
20 *administrative regulation selected from a list provided by the regulations*
21 *compiler;*

22 (f) The type and number of individuals, businesses, organizations, or state and
23 local governments affected by the administrative regulation;

24 (g)~~[(f)]~~ An analysis of how the entities referenced in paragraph (f)~~[(e)]~~ of this
25 subsection will be impacted by either the implementation of this
26 administrative regulation, if new, or by the change if it is an amendment to an
27 existing administrative regulation. The analysis shall include but not be

1 limited to:

- 2 1. A detailed explanation of the actions the entities referenced in paragraph
- 3 ~~(f)(e)~~ of this subsection will be required to undertake in order to
- 4 comply with the proposed administrative regulation;
- 5 2. An estimate of the costs imposed on entities referenced in paragraph
- 6 ~~(f)(e)~~ of this subsection in order to comply with the proposed
- 7 administrative regulation; and
- 8 3. The benefits that may accrue to the entities referenced in paragraph
- 9 ~~(f)(e)~~ of this subsection as a result of compliance;

10 ~~(h)(g)~~ An estimate of how much it will cost the administrative body to
 11 implement this administrative regulation, both initially and on a continuing
 12 basis;

13 **(i) Whether the administrative regulation or amendment implements**
 14 **legislation from the previous five (5) years, and if so:**

15 **1. The bill number and year; or**

16 **2. The Kentucky Acts chapter and year;**

17 ~~(j)(h)~~ The source of the funding to be used for the implementation and
 18 enforcement of the administrative regulation **or amendment;**

19 ~~(k)(i)~~ An assessment of whether an increase in fees or funding will be
 20 necessary to implement this administrative regulation or amendment to an
 21 existing administrative regulation;

22 ~~(l)(j)~~ A statement as to whether or not this administrative regulation
 23 establishes any fees or directly or indirectly increases any fees; and

24 ~~(m)(k)~~ The tiering statement required by KRS 13A.210.

25 (2) The Legislative Research Commission shall review all regulatory impact analyses
 26 submitted by all administrative bodies, and may require any administrative body to
 27 submit background data upon which the information required by subsection (1) of

1 this section is based, and an explanation of how the data was gathered.

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

- 3 (1) An administrative body that promulgates an administrative regulation shall consider
4 the cost that the administrative regulation may cause state or local government and
5 regulated entities to incur.
- 6 (2) (a) A two (2) part cost analysis shall be completed for each administrative
7 regulation.
- 8 (b) The first part of the cost analysis shall include the projected cost or cost
9 savings to the Commonwealth of Kentucky and each of its affected agencies,
10 and the projected cost or cost savings to affected local governments, including
11 cities, counties, fire departments, and school districts.
- 12 (c) The second part of the cost analysis shall include the projected cost or cost
13 savings to the regulated entities affected by the administrative regulation.
- 14 (d) Agencies or entities affected by the administrative regulation may submit
15 comments in accordance with KRS 13A.270(1) to the promulgating
16 administrative body or to a legislative committee reviewing the administrative
17 regulation.
- 18 (3) Each administrative body that promulgates an administrative regulation shall
19 prepare and submit with the administrative regulation a fiscal note. The fiscal note
20 shall state:
- 21 (a) The number of the administrative regulation;
- 22 (b) The name, ~~email~~~~e-mail~~ address, and telephone number of the contact person
23 of the administrative body identified pursuant to KRS 13A.220(6)(d), and, if
24 applicable, the name, ~~email~~~~e-mail~~ address, and telephone number of an
25 alternate person to be contacted with specific questions about the fiscal note;
- 26 (c) Each unit, part, or division of state or local government the administrative
27 regulation will affect;

- 1 (d) In detail, the aspect or service of state or local government to which the
2 administrative regulation relates, including identification of the applicable
3 state or federal statute or regulation that mandates the aspect or service or
4 authorizes the action taken by the administrative regulation;
- 5 (e) The estimated effect of the administrative regulation on the expenditures and
6 revenues of a state or local government agency or regulated entity for the first
7 full year and for subsequent years the administrative regulation will be in
8 effect. The administrative body shall provide a narrative to explain the fiscal
9 impact of the administrative regulation and the methodology and resources it
10 used to determine the fiscal impact; and
- 11 (f) 1. The conclusion of the promulgating administrative body as to whether
12 the administrative regulation will have a major economic impact on ~~as~~
13 ~~defined in KRS 13A.010, to~~ state and local government and regulated
14 entities for the first full year the administrative regulation will be in
15 effect and for subsequent years if different; ~~and~~
- 16 2. An explanation of the methodology and resources used by the
17 administrative body to reach this conclusion.
- 18 (4) If an administrative body files an amendment to an administrative regulation
19 pursuant to subsection (3) of Section 16 of this Act for a legislative committee
20 meeting, the administrative body shall:
- 21 (a) Consider the cost of the amendment as established in subsection (2) of this
22 section; and
- 23 (b) Prepare and submit a fiscal note as established in subsection (3) of this
24 section.
- 25 (5) Any administrative body may request the advice and assistance of the Commission
26 in the preparation of the fiscal note.
- 27 ➔Section 9. KRS 13A.255 is amended to read as follows:

1 (1) **(a)** Within five (5) working days of ~~the~~ filing ~~of~~ an **emergency or** ordinary
2 administrative regulation that ~~would~~~~propose to~~ establish or increase fees,
3 except those fees exempted by KRS 13A.100(3), an administrative body shall
4 mail or ~~email~~~~e-mail~~ a notice containing the information required by
5 subsection (2) of this section, to each state association, organization, or other
6 body representing a person or entity affected by the administrative regulation.

7 **(b) If an emergency administrative regulation is filed with an identical ordinary**
8 **administrative regulation, the administrative body may include both**
9 **administrative regulations in the same notice.**

10 (2) The notice shall include the following information:

- 11 (a) The name of the administrative body that filed the ~~proposed~~ administrative
12 regulation;
- 13 (b) A statement that the administrative body has promulgated an administrative
14 regulation that establishes or increases fees;
- 15 (c) A summary of the administrative regulation that includes:
- 16 1. The amount of each fee being established;
- 17 2. The amount of any increases to any fees previously established; and
- 18 3. The necessity for the establishment or increase in the fees;
- 19 (d) A statement that a person or entity may contact the administrative body for
20 additional information;
- 21 (e) The time, date, and place of the scheduled public hearing;
- 22 (f) The deadline for submitting written comments as established in KRS
23 13A.270(1)(c); and
- 24 (g) The name, mailing address, ~~email~~~~e-mail~~ address, and telephone number of
25 the contact person for the administrative body identified pursuant to KRS
26 13A.220(6)(d).

27 ➔Section 10. KRS 13A.270 is amended to read as follows:

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

6 (b) The public hearing for an:

- 7 1. Ordinary administrative regulation shall not be held before the twenty-
8 first day or after the last workday of the month following the month in
9 which the administrative regulation is published in the Administrative
10 Register; or
- 11 2. Emergency administrative regulation shall not be held before the
12 twenty-first day or after the last workday of the month in which the
13 administrative regulation is published in the Administrative Register.

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

17 (c) The administrative body shall accept written comments regarding the
18 administrative regulation during the comment period. The comment period
19 shall begin on the date the administrative regulation is filed with the
20 regulations compiler and:

- 21 1. For an ordinary administrative regulation, shall run until 11:59 p.m. on
22 the last day of the calendar month following the month in which the
23 administrative regulation was published in the Administrative Register;
24 or
- 25 2. For an emergency administrative regulation, shall run until 11:59 p.m.
26 on the last day of the calendar month in which the administrative
27 regulation is published in the Administrative Register.

- 1 (2) Each administrative regulation shall state:
- 2 (a) The place, time, and date of the scheduled public hearing;
- 3 (b) The manner in which interested persons shall submit their:
- 4 1. Notification of attending the public hearing; and
- 5 2. Written comments;
- 6 (c) That notification of attending the public hearing shall be transmitted to the
- 7 administrative body no later than five (5) workdays prior to the date of the
- 8 scheduled public hearing;
- 9 (d) The deadline for submitting written comments regarding the administrative
- 10 regulation in accordance with subsection (1)(c) of this section; and
- 11 (e) The name, position, mailing address, ~~email~~~~e-mail~~ address, and telephone
- 12 and facsimile numbers of the person to whom a notification and written
- 13 comments shall be transmitted.
- 14 (3) (a) A person who wishes to be notified that an administrative body has filed an
- 15 administrative regulation shall:
- 16 1. Contact the administrative body by telephone or written letter to request
- 17 that the administrative body send the information required by paragraph ~~(e) or~~ (d) or (e) of this subsection to the person; or
- 18 ~~(e) or~~ (d) or (e) of this subsection to the person; or
- 19 2. Complete an electronic registration form located on a centralized state
- 20 government website~~Web site~~ developed and maintained by the
- 21 Commonwealth Office of Technology pursuant to subsection (13) of
- 22 this section.
- 23 (b) A registration submitted pursuant to paragraph (a) of this subsection shall:
- 24 1. Indicate whether the person wishes to receive notification regarding:
- 25 a. All administrative regulations promulgated by an administrative
- 26 body; or
- 27 b. Each administrative regulation that relates to a specified subject

1 area. The subject areas shall be provided by the administrative
2 bodies and shall be listed on the centralized state government
3 website~~[Web site]~~ in alphabetical order;

- 4 2. Include a request for the person to provide an email~~[e-mail]~~ address in
5 order to receive regulatory information electronically;
- 6 3. Be valid for a period of four (4) years from the date the registration is
7 submitted, or until the person submits a written request to be removed
8 from the notification list, whichever occurs first; and
- 9 4. Be transmitted to the promulgating administrative body, if the
10 registration was made through the centralized state government
11 website~~[Web site]~~. The collected email~~[e-mail]~~ addresses shall be used
12 solely for the purposes of this subsection and shall not be sold,
13 transferred, or otherwise made available to third parties, other than the
14 promulgating administrative body.

15 (c) **An administrative body that promulgates administrative regulations shall:**

- 16 **1. Request that the Commonwealth Office of Technology add it to the**
17 **centralized state government website if the administrative body is not**
18 **already included;**
- 19 **2. Maintain a list of registrations transmitted to the body pursuant to**
20 **paragraph (b)4. of this subsection;**
- 21 **3. Establish a method to transfer the registrations if there are personnel**
22 **changes or other disruptions; and**
- 23 **4. Communicate updates to subject areas and contact persons to the**
24 **Commonwealth Office of Technology as needed.**

25 **(d)** A copy of the administrative regulation as filed, and all attachments required
26 by KRS 13A.230(1), shall be **emailed by the administrative body**~~[e-mailed]~~;

- 27 1. To every person who has:

- 1 a. Registered pursuant to paragraph (a) of this subsection; and
- 2 b. Provided an email~~[e-mail]~~ address as part of the registration
- 3 request;
- 4 2. Within five (5) working days after the date the administrative regulation
- 5 is filed with the Commission; and
- 6 3. With a request from the administrative body that affected individuals,
- 7 businesses, or other entities submit written comments that identify the
- 8 anticipated effects of the proposed administrative regulation.

9 ~~(e)(d)~~ Within five (5) working days after the date the administrative regulation
10 is filed with the Commission, the administrative body shall mail the following
11 information to every person who has registered pursuant to paragraph (a) of
12 this subsection but did not provide an email~~[e-mail]~~ address:

- 13 1. A cover letter from the administrative body requesting that affected
- 14 individuals, businesses, or other entities submit written comments that
- 15 identify the anticipated effects of the proposed administrative regulation;
- 16 2. A copy of the regulatory impact analysis required by KRS 13A.240
- 17 completed in detail sufficient to put the individual on notice as to the
- 18 specific contents of the administrative regulation, including all proposed
- 19 amendments to the administrative regulation; and
- 20 3. A statement that a copy of the administrative regulation may be obtained
- 21 from the Commission's website~~[Web site]~~, which can be accessed on-
- 22 line through public libraries or any computer with internet access. The
- 23 Commission's website~~[Web site]~~ address shall be included in the
- 24 statement.

25 ~~[(e) An administrative body shall not be required to send a copy of an~~
26 ~~administrative regulation that was amended after comments in accordance~~
27 ~~with KRS 13A.280 to persons who have registered pursuant to paragraph (a)~~

1 ~~of this subsection, unless the person requested a copy pursuant to KRS~~
2 ~~13A.280(8).]~~

3 (4) (a) If small business may be impacted by an administrative regulation, the
4 administrative body shall email~~[e-mail]~~ a copy of the administrative
5 regulation as filed, and all attachments required by KRS 13A.230(1), to the
6 chief executive officer of the Commission on Small Business Innovation and
7 Advocacy within five (5) working days~~[one (1) working day]~~ after the date
8 the administrative regulation is filed with the Commission.

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

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

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

- 1 (b) The ~~email~~~~e-mail~~ shall include a request from the administrative body that
2 the local government review the administrative regulation in the same manner
3 as would the Commission on Small Business Innovation and Advocacy under
4 KRS 11.202(1)(e), and submit its report or comments in accordance with the
5 deadline established in subsection (1)(c) of this section. A copy of the report
6 or comments shall be filed with the regulations compiler.
- 7 (c) An administrative body shall not be required to send a copy of an
8 administrative regulation that was amended after comments in accordance
9 with KRS 13A.280 to a local government, unless its contact person requested
10 a copy pursuant to KRS 13A.280(8).
- 11 (6) Persons desiring to be heard at the hearing shall notify the administrative body in
12 writing as to their desire to appear and testify at the hearing not less than five (5)
13 workdays before the scheduled date of the hearing.
- 14 (7) The administrative body shall immediately notify the regulations compiler by letter
15 if:
- 16 (a) No written notice of intent to attend the public hearing is received by the
17 administrative body at least five (5) workdays before the scheduled hearing,
18 and it chooses to cancel the public hearing; and
- 19 (b) No written comments have been received by the close of the last day of the
20 public comment period.
- 21 (8) (a) 1. Upon receipt from interested persons of their intent to attend a public
22 hearing, the administrative body shall notify the regulations compiler by
23 letter that the public hearing shall be held.
- 24 2. If the public hearing is held but no comments are received during the
25 hearing, the administrative body shall notify the regulations compiler by
26 letter that the public hearing was held and that no comments were
27 received.

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

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

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

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

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

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

27 **(a) The electronic registration notification form required by subsection (3)(a) of**

- 1 this section;
- 2 (b) Up-to-date contact information and subject areas for promulgating
- 3 administrative bodies; and
- 4 (c) A form or contact information for an administrative body to:
- 5 1. Request to be added to the website if not already included; and
- 6 2. Add or change its subject areas and contact persons published on the
- 7 website.

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

- 9 (1) Following the last day of the comment period, the administrative body shall give
- 10 consideration to all comments received at the public hearing and all written
- 11 comments received during the comment period, including:
- 12 (a) Any report filed by the Commission on Small Business Innovation and
- 13 Advocacy in accordance with KRS 11.202(1)(e) and 13A.270(4), or by a local
- 14 government in accordance with KRS 11.202(1)(e) and 13A.270(5); and
- 15 (b) Any comments regarding the administrative regulation's major economic
- 16 impact~~[, as defined in KRS 13A.010,]~~ as submitted by agencies, local
- 17 governments, or regulated entities.
- 18 (2) (a) Except as provided in paragraph (b) of this subsection, the administrative
- 19 body shall file with the Commission on or before 12 noon, eastern time, on
- 20 the fifteenth day of the calendar month following the end of the public
- 21 comment period the statement of consideration relating to the administrative
- 22 regulation and, if applicable, the amended after comments version.
- 23 (b) If the administrative body has received a significant number of public
- 24 comments:
- 25 1. It may extend the time for filing the statement of consideration for an
- 26 ordinary administrative regulation and, if applicable, the amended after
- 27 comments version by notifying the regulations compiler in writing on or

1 before 12 noon, eastern time, on the fifteenth day of the calendar month
2 following the end of the public comment period; and

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

8 (3) (a) If the administrative regulation is amended as a result of the hearing or written
9 comments received, the administrative body shall ~~file~~~~forward~~ the items
10 specified in this paragraph ~~with~~~~to~~ the regulations compiler by 12 noon,
11 eastern time, on the applicable deadline specified in subsection (2) of this
12 section:

13 1. The original and ~~four (4)~~~~five (5)~~ copies of the administrative
14 regulation indicating any amendments resulting from comments
15 received at the public hearing and during the comment period. The
16 amendments shall be indicated in:

17 a. The original wording for an ordinary administrative regulation;~~;~~
18 ~~or~~

19 b. The original wording for an emergency administrative
20 regulation; or

21 c. The wording of an emergency administrative regulation as
22 amended, for an emergency administrative regulation that was
23 amended at a legislative committee meeting pursuant to KRS
24 13A.190(3);

25 2. The original and ~~four (4)~~~~five (5)~~ copies of the statement of
26 consideration as required by subsection (2) of this section, attached to
27 the back of the original and each copy of the administrative regulation;

1 and

2 3. The regulatory impact analysis, tiering statement, federal mandate
3 comparison if applicable, and~~[or]~~ fiscal note~~[on local government]~~.

4 These documents shall reflect changes resulting from amendments made
5 after the public hearing.

6 (b) 1. Each~~[The]~~ original~~[and four (4) copies of the]~~ amended after comments
7 version, the statement of consideration, and the attachments required by
8 paragraph (a)3. of this subsection shall be single-sided and stapled in
9 the top left corner.

10 2. One (1) of the copies shall be single-sided and unstapled.

11 3. The other three (3) copies shall be stapled in the top left corner and
12 may be double-sided~~[The fifth copy shall not be stapled].~~

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 amended after comments version,
15 the statement of consideration, and the required attachments saved as a single
16 document for each amended after comments administrative regulation in an
17 electronic format approved by the regulations compiler.

18 (d) Within five (5) working days after filing an amended after comments
19 version, an administrative body shall:

20 1. Prominently display on its website:

21 a. A notice that an amended after comments version has been filed
22 with the Commission;

23 b. A summary of the amended after comments version including:

24 i. The number of the administrative regulation;

25 ii. The title of the administrative regulation; and

26 iii. A brief explanation of the changes made; and

27 c. Information on how to access the amended after comments

1 version on the Commission's website; and

2 2. Email the amended after comments version and statement of
3 consideration as filed, and all attachments required by paragraph (a)3.
4 of this subsection, to every person who has registered pursuant to
5 subsection (3)(a)2. of Section 10 of this Act and provided an email
6 address as part of the registration request.

7 (e) Material incorporated by reference that is amended after comments shall be
8 filed, and if applicable, displayed in the manner required by Section 6 of
9 this Act.

10 (4) (a) If the administrative regulation is not amended as a result of the public
11 hearing, or written comments received, the administrative body shall file the
12 original and four (4)~~five (5)~~ copies of the statement of consideration with
13 the regulations compiler by 12 noon, eastern time, on the deadline established
14 in subsection (2) of this section.

15 1. Each original statement of consideration shall be single-sided and
16 stapled in the top left corner.

17 2. One (1) of the copies shall be single-sided and unstapled.

18 3. The other three (3) copies~~The original and four (4) copies of the~~
19 ~~statement of consideration~~ shall be stapled in the top left corner and
20 may be double-sided~~. The fifth copy of each statement of consideration~~
21 ~~shall not be stapled~~.

22 (b) If the statement of consideration covers multiple administrative regulations
23 that were not amended as a result of the public hearing or written comments
24 received~~, as authorized by subsection (6)(g)1. of this section~~, the
25 administrative body shall file with the regulations compiler:

26 1. The original and four (4)~~five (5)~~ copies of the statement of
27 consideration as required by paragraph (a) of this subsection; and

- 1 2. Two (2) additional unstapled, single-sided copies of the statement of
2 consideration for each additional administrative regulation included in
3 the group of administrative regulations.
- 4 (c) At the same time as, or prior to, filing the paper version, the administrative
5 body shall file an electronic version of the statement of consideration saved as
6 a single document for each statement of consideration in an electronic format
7 approved by the regulations compiler.
- 8 (5) (a) If comments are received either at the public hearing or during the public
9 comment period, the administrative regulation shall be deferred to the next
10 regularly scheduled meeting of the subcommittee following the month in
11 which the statement of consideration is due.
- 12 (b) A filed administrative regulation that is deferred under this subsection due
13 to receipt of public comments may still be placed on the subcommittee's
14 agenda for informational review pursuant to subsection (3) or (4) of Section
15 18 of this Act.
- 16 (c) If a filed administrative regulation is placed on the agenda pursuant to
17 paragraph (b) of this subsection, the full review of the filed administrative
18 regulation shall still be deferred in accordance with this subsection.
- 19 (6) The format for the statement of consideration shall be as follows:
- 20 (a) The statement shall be typewritten on white paper, size eight and one-half (8-
21 1/2) by eleven (11) inches. Copies of the statement may be mechanically
22 reproduced;
- 23 (b) The first page of the statement of consideration shall have a two (2) inch top
24 margin;
- 25 (c) The heading of the statement shall consist of the words "STATEMENT OF
26 CONSIDERATION RELATING TO" followed by the number of the
27 administrative regulation that was the subject of the public hearing and

comment period and the name of the promulgating administrative body. The heading shall be centered. This shall be followed by the words "Not Amended After Comments," "Emergency Not Amended After Comments," "Amended After Comments," or "Emergency Amended After Comments," whichever is applicable;

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

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

(e) 1. Following the general information, the promulgating administrative body shall summarize the comments received at the public hearing and during the comment period and the response of the promulgating administrative body. Each subject commented upon shall be summarized in a separate numbered paragraph. Each numbered paragraph shall contain two (2) subsections:

a.~~[1.]~~ Subsection (a) shall be labeled "Comment," shall identify the name of the person, and the organization represented if applicable, who made the comment, and shall contain a summary of the comment; and

b.~~[2.]~~ Subsection (b) shall be labeled "Response" and shall contain the response to the comment by the promulgating administrative body.

2. If administrative regulations were considered as a group and a

comment relates to one (1) or more of the administrative regulations,
the summary of the comment and response shall specify each
administrative regulation to which it applies;

(f) 1. Following the summary ~~of the~~^[and] comments and responses, the promulgating administrative body shall ~~;~~:

~~1.~~ summarize the statement of consideration and the action taken by the administrative body as a result of comments received at the public hearing and during the comment period.~~;~~^[; and]

2. If administrative regulations were considered as a group, a separate summary and action taken shall be provided for each administrative regulation~~[If amended after the comment period, list the changes made to the administrative regulation in the format prescribed by KRS 13A.320(2)(c) and (d)]~~; and

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

~~2.~~ Emergency administrative regulations shall be in a separate statement of consideration from ordinary administrative regulations.

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

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

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

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

(b) The agenda shall:

1. Include each administrative regulation that completed the public comment process;
2. Include each administrative regulation for which a statement of consideration was received on or before 12 noon, eastern time, on the fifteenth day of the prior calendar month;
3. Include each effective administrative regulation or administrative regulation filed with the Commission that the subcommittee has decided to review pursuant to subsection (3) of Section 18 of this Act;
4. Include each administrative regulation required to be on the agenda pursuant to subsection (4) of Section 18 of this Act;
5. Include each administrative regulation that was deferred from the prior month's meeting of the subcommittee; and
- 6.~~5.~~Not include an administrative regulation that is deferred, withdrawn, expired, or automatically taken off the agenda under the provisions of this chapter, unless it is being reviewed pursuant to subsection (3) or (4) of Section 18 of this Act.

1 (c) Review of an administrative regulation shall include the entire administrative
2 regulation and all attachments filed with the administrative regulation. The
3 review of amendments to existing administrative regulations shall not be
4 limited to only the changes proposed by the promulgating administrative
5 body.

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

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

9 (4) (a) A representative of the administrative body for an administrative regulation
10 on the agenda~~[under consideration]~~ shall be present to explain the
11 administrative regulation and to answer questions thereon.

12 (b) If a representative of ~~an~~~~[the]~~ administrative body with authority to amend,
13 defer, and answer questions about a filed ordinary or emergency
14 administrative regulation that is on the agenda for full review fails to appear
15 before~~[is not present at the subcommittee meeting, the administrative~~
16 ~~regulation shall be deferred to the next regularly scheduled meeting of]~~ the
17 subcommittee, the subcommittee may:

18 1. Defer the administrative regulation to the next regularly scheduled
19 meeting of the subcommittee; and

20 2. Make a determination pursuant to subsections (2), (3), and (4) of
21 Section 18 of this Act or subsection (3) of Section 3 of this Act.

22 (c) If a representative of an administrative body with authority to defer and
23 answer questions about an~~[for an effective]~~ administrative regulation that
24 was placed on the agenda for informational review pursuant to subsection
25 (3) or (4) of Section 18 of this Act fails to appear before the subcommittee,
26 the subcommittee may:

27 1. Defer the informational review of the administrative regulation to the

- 1 next regularly scheduled meeting of the subcommittee; ~~and~~~~for~~
- 2 2. Make a determination pursuant to KRS 13A.030(2), (3), and (4), or KRS
- 3 13A.190(3).
- 4 (5) Following the meeting and before the next regularly scheduled meeting of the
- 5 Commission, the Administrative Regulation Review Subcommittee shall forward to
- 6 the Commission its findings, recommendations, or other comments it deems
- 7 appropriate in writing. ~~[The Administrative Regulation Review Subcommittee shall~~
- 8 ~~also forward to the Commission its findings, recommendations, or other comments~~
- 9 ~~it deems appropriate on an effective administrative regulation it has reviewed.]~~ The
- 10 Administrative Regulation Review Subcommittee's findings shall be published in
- 11 the Administrative Register.
- 12 (6) (a) After review by the Administrative Regulation Review Subcommittee, the
- 13 Commission shall, on the first Wednesday of the following month, or if the
- 14 first Wednesday is a legal holiday, the next workday of the month: ~~[,]~~
- 15 1. Assign a filed administrative regulation to a legislative committee with
- 16 subject matter jurisdiction *if the administrative regulation was on the*
- 17 *agenda for full review pursuant to subsection (1)(b)1., 2., or 5. of this*
- 18 *section; and*
- 19 2. Not assign a filed administrative regulation to a legislative committee
- 20 *with subject matter jurisdiction if the administrative regulation was*
- 21 *solely on the agenda for informational review pursuant to subsection*
- 22 *(3) or (4) of Section 18 of this Act.*
- 23 (b) Upon notification of the assignment by the Commission, the legislative
- 24 committee to which the administrative regulation is assigned shall notify the
- 25 regulations compiler:
- 26 1. Of the date, time, and place of the meeting at which it will consider the
- 27 administrative regulation; or

- 1 2. That it will not meet to consider the administrative regulation.
- 2 (7) (a) Within ninety (90) days of the assignment, the legislative committee may hold
- 3 a public meeting during which the administrative regulation shall be
- 4 reviewed.
- 5 (b) If the ninetieth day of the assignment falls on a Saturday, Sunday, or holiday,
- 6 the deadline for review shall be the workday following the Saturday, Sunday,
- 7 or holiday.
- 8 (c) 1. If the administrative regulation is assigned to an interim joint committee
- 9 and a session of the General Assembly begins during the review period,
- 10 the assignment shall transfer to the Senate and House standing
- 11 committees with subject matter jurisdiction.
- 12 2. If the administrative regulation is assigned to Senate and House standing
- 13 committees and a session of the General Assembly adjourns sine die
- 14 during the review period, the assignment shall transfer to the interim
- 15 joint committee with subject matter jurisdiction.
- 16 3. An administrative regulation may be transferred more than one (1) time
- 17 under this paragraph. A transfer shall not extend the review period
- 18 established by this subsection.
- 19 (d) Notice of the time, date, and place of the meeting shall be placed in the
- 20 legislative calendar.
- 21 (8) Except as provided in subsection (9) of this section, a legislative committee shall be
- 22 empowered to make the same determinations and to exercise the same authority as
- 23 the Administrative Regulation Review Subcommittee, including all powers and
- 24 restrictions relating to informational reviews conducted under subsection (3) or
- 25 (4) of Section 18 of this Act.
- 26 (9) (a) This subsection shall apply to ordinary and emergency administrative
- 27 regulations filed with the Commission and reviewed pursuant to subsection

1 **(7) of this section.**

2 (b) A majority of the entire membership of the legislative committee shall
3 constitute a quorum for purposes of reviewing administrative regulations.

4 (c) In order to amend an administrative regulation pursuant to KRS 13A.320,
5 defer an administrative regulation pursuant to KRS 13A.300, or find an
6 administrative regulation deficient pursuant to KRS 13A.030(2), (3), or (4) or
7 13A.190(3), the motion to amend, defer, or find deficient shall be approved by
8 a majority of the entire membership of the legislative committee.
9 Additionally, during a session of the General Assembly, standing committees
10 of the Senate and House of Representatives shall agree in order to amend an
11 administrative regulation, defer an administrative regulation, or find an
12 administrative regulation deficient by:

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

19 (10) (a) The quorum requirements of subsection (9)(b) of this section shall apply to an
20 effective **or filed** administrative regulation **that is** under **informational** review
21 by a legislative committee **pursuant to subsection (3) or (4) of Section 18 of**
22 **this Act and subsection (8) of this section.**

23 (b) A motion to **defer the informational review of an**~~find an effective~~
24 administrative regulation **or find the administrative regulation** deficient shall
25 be approved by:

- 26 1. A majority of the entire membership of the Administrative Regulation
27 Review Subcommittee; or

1 2. A legislative committee in accordance with subsection (9)(c) of this
2 section.

3 (11) (a) Upon adjournment of the meeting at which a legislative committee has
4 considered an administrative regulation pursuant to subsection (7) or (10) of
5 this section, the legislative committee shall inform the regulations compiler of
6 its findings, recommendations, or other action taken on the administrative
7 regulation.

8 (b) Following the meeting and before the next regularly scheduled meeting of the
9 Commission, the legislative committee shall forward to the Commission its
10 findings, recommendations, or other comments it deems appropriate in
11 writing. The legislative committee's findings shall be published in the
12 Administrative Register.

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

14 (1) The administrative body that promulgated an administrative regulation may request
15 that consideration of the administrative regulation be deferred by a legislative
16 committee.

17 (2) The deferral of an administrative regulation scheduled for full review by the
18 Administrative Regulation Review Subcommittee pursuant to subsection (1)(b)1.,
19 2., or 5. of Section 12 of this Act shall be governed by KRS 13A.020(4) and the
20 following:

21 (a) A request for deferral of an ordinary administrative regulation filed with the
22 Commission shall be automatically granted if:

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

25 2. The letter is received by 12 noon, eastern time, at least five (5)
26 calendar days prior to the subcommittee meeting;

27 (b) A request for deferral of an ~~effective administrative regulation or an~~

1 emergency administrative regulation may be granted if:

- 2 1. The administrative body submits a written letter to the regulations
3 compiler;
- 4 2. The letter is received prior to the subcommittee meeting; and
- 5 3. Approved by the co-chairs of the Administrative Regulation Review
6 Subcommittee;

7 (c) A request for deferral may be granted at the discretion of the subcommittee if
8 the request is made by the administrative body orally at a meeting of the
9 subcommittee;

10 (d) The subcommittee may request that consideration of an administrative
11 regulation be deferred by the promulgating administrative body. Upon receipt
12 of the request, the promulgating administrative body may agree to defer
13 consideration of the administrative regulation;

14 (e) Except as provided in paragraph ~~(g)~~~~(f)~~ of this subsection, an administrative
15 regulation that has been deferred for full review shall be placed on the agenda
16 of the next scheduled meeting of the subcommittee. ~~If it is an administrative~~
17 ~~regulation filed with the Commission,~~ The subcommittee shall consider the
18 administrative regulation as if it had met all other requirements of filing.
19 Repromulgation shall not be required in those cases;~~and~~

20 (f) 1. A filed administrative regulation deferred under this subsection may
21 still be placed on the agenda pursuant to subsection (3) or (4) of
22 Section 18 of this Act for informational review.
23 2. If a filed administrative regulation is placed on the agenda pursuant to
24 subparagraph 1. of this paragraph, the full review of the filed
25 administrative regulation shall still be deferred in accordance with this
26 subsection; and

27 (g) An administrative regulation shall not be deferred under this subsection more

1 than twelve (12) times.

2 (3)~~[(a)]~~ The deferral of *an informational review for an*~~[a filed ordinary]~~
3 administrative regulation *scheduled by the Administrative Regulation Review*
4 *Subcommittee pursuant to subsection (1)(b)3. or 4. of Section 12 of this*
5 *Act*~~[referred to a second legislative committee or committees pursuant to KRS~~
6 ~~13A.290(6) and (7)]~~ shall be governed by *KRS 13A.020(4) and the following:*~~[this~~
7 ~~subsection and the voting requirements of KRS 13A.290(9).]~~

8 *(a)*~~[(b)]~~ ~~1.]~~ A request *to defer an informational review for an administrative*
9 *regulation that was placed on the subcommittee's agenda may be*~~[for~~
10 ~~deferral shall be automatically]~~ granted if:

11 *1.*~~[(a)]~~ The administrative body submits a written letter to the regulations
12 compiler;~~[and]~~

13 *2.*~~[(b)]~~ The letter is received prior to the *subcommittee*~~[legislative committee]~~
14 meeting; *and*

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

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

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

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

1 ~~review period.~~

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

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

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

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

14 2. The letter is received:

15 a. Prior to the legislative committee meeting for an emergency
16 administrative regulation; or

17 b. By 12 noon, eastern time, at least five (5) calendar days prior to
18 the legislative committee meeting for an ordinary administrative
19 regulation; and

20 3. Approved by the presiding chair or chairs.

21 (c) A request for deferral may be granted at the discretion of the second
22 legislative committee if the request is made by the administrative body orally
23 at a meeting of the legislative committee.

24 (d) 1. At a meeting of a legislative committee, the legislative committee may
25 request that consideration of an administrative regulation be deferred by
26 the administrative body. Upon receipt of the request, the administrative
27 body may agree to defer consideration of the administrative regulation.

- 1 ~~2. (e)~~ An administrative regulation that is deferred for full review may
2 be placed on a subsequent agenda of the legislative committee or
3 committees within the review period.
- 4 3. Except as provided by subparagraph 4. of this paragraph, if a filed
5 ordinary administrative regulation that has been deferred for full
6 review is not placed on a subsequent agenda within the review period,
7 the administrative regulation shall take effect at the expiration of the
8 review period.
- 9 4. a. If requested by the administrative body, an administrative
10 regulation may be deferred beyond the review period for an
11 additional ninety (90) days if the deferral is requested and
12 approved as established by paragraphs (b) and (c) of this
13 subsection.
- 14 b. If a filed ordinary administrative regulation that has been
15 deferred is not placed on a subsequent agenda within the
16 additional ninety (90) days, the administrative regulation shall
17 take effect at the expiration of the additional ninety (90) days.
- 18 (e) 1. A filed administrative regulation deferred under this subsection may
19 still be placed on the agenda for informational review pursuant to
20 subsection (3) or (4) of Section 18 of this Act and subsection (8) of
21 Section 12 of this Act.
- 22 2. If a filed administrative regulation is placed on the agenda pursuant to
23 subparagraph 1. of this paragraph, the full review of the filed
24 administrative regulation may be scheduled by the legislative
25 committee at a subsequent meeting during the ninety (90) day review
26 period.
- 27 (5) (a) The deferral of an informational review for an administrative regulation

1 scheduled by a second legislative committee pursuant to subsection (3) or
 2 (4) of Section 18 of this Act and subsection (8) of Section 12 of this Act
 3 shall be governed by this subsection and the voting requirements of
 4 subsection (9) of Section 12 of this Act.

5 (b) A request to defer an informational review for an administrative regulation
 6 that was placed on the legislative committee's agenda may be granted if:

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

9 2. The letter is received prior to the legislative committee meeting; and

10 3. Approved by the presiding chair or chairs.

11 (c) A request for deferral of an informational review for an administrative
 12 regulation may be granted at the discretion of the legislative committee if
 13 the request is made by the administrative body orally at a meeting of the
 14 legislative committee.

15 (d) An informational review for an administrative regulation that is deferred
 16 may be placed on a subsequent agenda of the legislative committee.

17 (6) Except as provided by KRS 13A.290(4), if a representative of an administrative
 18 body with authority to amend, defer, and answer questions about a filed ordinary
 19 or emergency~~[whose]~~ administrative regulation that is on the agenda~~[is scheduled]~~
 20 for full review fails to appear before a legislative committee, the legislative
 21 committee in conformance with KRS 13A.290(9) may:

22 (a) Defer the administrative regulation to a subsequent~~[the next regularly~~
 23 ~~scheduled]~~ meeting of the legislative committee within the review period;
 24 and~~[or]~~

25 (b) Make a determination pursuant to KRS 13A.030(2), (3), and (4) or
 26 13A.190(3).

27 (7) If a representative of an administrative body with authority to defer and answer

1 questions about an administrative regulation that was placed on the agenda for
2 informational review pursuant to subsection (3) or (4) of Section 18 of this Act
3 and subsection (8) of Section 12 of this Act fails to appear before the legislative
4 committee, the legislative committee in conformance with subsection (9) of
5 Section 12 of this Act may:

6 (a) Defer the informational review for the administrative regulation to a
7 subsequent meeting of the legislative committee; and

8 (b) Make a determination pursuant to subsections (2), (3), and (4) of Section 18
9 of this Act or subsection (3) of Section 3 of this Act.

10 (8) An administrative regulation found deficient by a legislative committee may be
11 deferred in accordance with KRS 13A.020(4), Section 12 of this Act, and this
12 section.

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

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

21 (2) After receipt of a written request, submitted pursuant to subsection (3) of this
22 section, to make changes to an administrative regulation pursuant to the statutory
23 change or executive order, the regulations compiler shall alter the administrative
24 regulations referenced in subsection (1) of this section to:

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

27 (b) Make any other technical changes necessary to carry out the provisions of the

1 statute or executive order if the changes do not affect the scope or substance
2 of the administrative regulation.

3 (3) (a) The administrative body that has been granted statutory authority over the
4 subject matter shall provide to the regulations compiler in writing and in an
5 electronic format approved by the regulations compiler:

6 1.[(a)] A listing of the administrative regulations that require any
7 changes; and

8 2.[(b)] The specific names, terms, or other information to be changed,
9 marked in the complete text of the existing administrative regulation
10 in the format prescribed by KRS 13A.222(2).

11 (b) If there are differences between the paper copy and the electronic version,
12 the electronic version shall be the controlling version ~~[with those changes~~
13 ~~properly referenced].~~

14 (4) The administrative body that has been granted statutory authority over the subject
15 matter shall submit new forms to replace forms previously incorporated by
16 reference in an administrative regulation if the only changes on the form are the
17 name and mailing address of the administrative body. If there are additional
18 changes to a form incorporated by reference, the administrative body shall
19 promulgate an amendment to the existing administrative regulation and make the
20 changes to the material incorporated by reference in accordance with KRS
21 13A.2255.

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

1 (6) If an executive order transfers authority over a subject matter to another
2 administrative body or changes the name of an administrative body during the
3 interim between regular sessions of the General Assembly, and the General
4 Assembly does not codify or confirm the executive order during the next regular
5 session, any and all administrative regulations promulgated to implement the
6 unconfirmed executive order shall be returned to their previous form by the
7 administrative body using the promulgation procedures established by KRS Chapter
8 13A, including but not limited to:

- 9 (a) Withdrawal of a proposed administrative regulation;
10 (b) Amendment or repeal of an existing administrative regulation;
11 (c) Promulgation of a new administrative regulation; or
12 (d) Submission of technical changes in the manner established by subsections (3)
13 and (4) of this section.

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

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

- 17 (a) It has not been reviewed or approved by the official or administrative body
18 with authority to review or approve;
19 (b) The statement of consideration and, if applicable, the amended after
20 comments version are not filed on or before a deadline specified by this
21 chapter;
22 (c) The administrative body has failed to comply with the provisions of this
23 chapter governing the filing of administrative regulations, the public hearing
24 and public comment period, or the statement of consideration; or
25 (d) The administrative regulation is deferred pursuant to KRS 13A.300(2) more
26 than twelve (12) times.

27 (2) (a) An administrative regulation that has been found deficient by a legislative

1 committee shall be withdrawn immediately if, pursuant to KRS 13A.330, the
2 Governor has determined that it shall be withdrawn.

3 (b) The Governor shall notify the regulations compiler in writing~~[-and by~~
4 ~~telephone]~~ that he or she has determined that the administrative regulation
5 found deficient shall be withdrawn.

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

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

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

17 (1) (a) An administrative body may amend a filed ordinary or emergency~~[an]~~
18 administrative regulation at a legislative committee meeting with the consent
19 of the legislative committee. A legislative committee may amend a filed
20 ordinary or emergency~~[an]~~ administrative regulation at a legislative
21 committee meeting with the consent of the administrative body.

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

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

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

committee. The letter shall:

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

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

- i.** a. On separate lines, the amendment shall be identified by the number of the:
 - i. ~~[1.]~~ Page;
 - ii. ~~[2.]~~ Section, subsection, paragraph, subparagraph, clause, or subclause, as appropriate; and
 - iii. ~~[3.]~~ Line.
- b.** ~~[(d) 1.]~~ If a word or phrase, whether or not underlined, is to be deleted, the amendment shall identify the word or phrase to be deleted and state that it is to be deleted. If a word or phrase is to be replaced by another word or phrase, the amendment shall specify the word or phrase that is to be deleted and shall specify the word or phrase that is to be inserted in lieu thereof.
- c.** ~~[2.]~~ If new language is to be inserted, the amendment shall state that it is to be inserted, and the new language shall be underlined.
- d.** ~~[3.]~~ If the amendment consists of no more than four (4) words, the words shall be placed between quotation marks. If the amendment consists of more than four (4) words, the amendment shall be

1 indented and not placed between quotation marks.

2 ~~e.[4.]~~ If a section, subsection, paragraph, subparagraph, clause, or
3 subclause is to be deleted in its entirety, the amendment shall
4 identify it and state that it is deleted in its entirety, whether or not
5 it contains underlined or bracketed language[.]

6 ~~(3) If an amendment is drafted by legislative committee staff on behalf of a legislative~~
7 ~~committee, the amendment shall be made:~~

8 ~~(a) In the format required by subsection (2)(c) and (d) of this section]; or~~

9 2. a.[(b)] By substituting the complete text of the administrative
10 regulation, with the proposed changes made to the administrative
11 regulation typed in bold, italicized, and in the format prescribed by
12 KRS 13A.222(2).

13 b. i. If the amendment is initiated by the administrative body,
14 the administrative body shall submit at the same time as, or
15 prior to, filing the paper version, an electronic version of
16 the amendment in a format approved by the regulations
17 compiler.

18 ii. If there are differences between the paper copy and the
19 electronic version of the amendment, the electronic version
20 shall be the controlling version.

21 (3) If the amendment is initiated by the administrative body, the amendment shall be:

22 (a) Filed at least three (3) working days prior to the meeting of the legislative
23 committee;

24 (b) Filed with an updated fiscal note as established by subsection (4) of Section
25 8 of this Act;

26 (c) Filed with a summary of the amendment and an explanation of its intent;
27 and

1 (d) Emailed as soon as practicable to every person who has registered pursuant
 2 to subsection (3)(a)2. of Section 10 of this Act and provided an email
 3 address as part of the registration request.

4 (4) An amendment to an administrative regulation may be made orally at a legislative
 5 committee meeting if the requirements of subsection (1)(a) of this section are met.

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

7 (a) For a meeting of the Administrative Regulation Review Subcommittee, an
 8 administrative body shall submit fifteen (15)~~twenty (20)~~ copies of an
 9 amendment to an administrative regulation to the regulations compiler prior to
 10 the Administrative Regulation Review Subcommittee meeting at which the
 11 amendment will be considered and, if applicable, in accordance with the
 12 deadline established in subsection (3)(a)~~(2)(b)4.~~ of this section; or

13 (b) For a meeting of a legislative committee other than the Administrative
 14 Regulation Review Subcommittee, an administrative body shall contact the
 15 regulations compiler prior to the legislative committee meeting at which the
 16 amendment will be considered to find out the number of copies needed for
 17 that specific legislative committee. The original amendment and the specified
 18 number of copies shall be submitted to the regulations compiler prior to the
 19 legislative committee meeting at which the amendment will be considered
 20 and, if applicable, in accordance with the deadline established in subsection
 21 (3)(a)~~(2)(b)4.~~ of this section.

22 ➔Section 17. KRS 13A.335 is amended to read as follows:

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

- 25 1. A subsequent amendment of that administrative regulation is filed with
- 26 the Commission by the administrative body;
- 27 2. The legislative committee that found the administrative regulation

1 deficient approves a motion that the subsequent amendment corrects the
2 deficiency; and

3 3. Any legislative committee that reviews the administrative regulation
4 under the provisions of KRS Chapter 13A finds that the administrative
5 regulation is not deficient.

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

8 1. The administrative regulation is amended to correct the deficiency at a
9 meeting of ~~a~~the legislative committee~~[to which it was assigned by the~~
10 ~~Commission]~~;

11 2. ~~A~~That legislative committee does not determine that the administrative
12 regulation is deficient for any other reason; and

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

16 (c) A filed administrative regulation found deficient by a legislative committee~~[~~
17 ~~with subject matter jurisdiction]~~ shall not be considered deficient if the
18 legislative committee:

19 1. Reconsiders the administrative regulation and its finding of deficiency;
20 and

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

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

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

27 2. Promulgating administrative body has withdrawn the proposed

1 amendment of the existing administrative regulation; and

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

4 (2) If an effective administrative regulation is found deficient by a legislative
5 committee, the administrative regulation shall not be considered deficient if the
6 legislative committee:

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

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

9 (3) (a) If an administrative regulation has been found deficient by a legislative
10 committee, the regulations compiler shall add the following notice to the
11 administrative regulation: "This administrative regulation was found deficient
12 by the [name of legislative committee] on [date]." This notice shall be the last
13 section of the administrative regulation.

14 (b) If an administrative regulation has been found deficient by a legislative
15 committee, subsequent amendments of that administrative regulation filed
16 with the Commission shall contain the notice provided in paragraph (a) of this
17 subsection.

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

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

23 (1) The Administrative Regulation Review Subcommittee shall:

24 (a) Conduct a continuous study as to whether additional legislation or changes in
25 legislation are needed based on various factors, including~~[-]~~ but not limited to,
26 review of new, emergency, and existing administrative regulations, the lack of
27 administrative regulations, and the needs of administrative bodies;

- 1 (b) Except as provided by KRS 158.6471 and 158.6472, review and comment
2 upon effective administrative regulations pursuant to subsections (2), (3), and
3 (4) of this section or administrative regulations filed with the Commission;
- 4 (c) Make recommendations for changes in statutes, new statutes, repeal of
5 statutes affecting administrative regulations or the ability of administrative
6 bodies to promulgate them; and
- 7 (d) Conduct such other studies relating to administrative regulations as may be
8 assigned by the Commission.

9 (2) The subcommittee may make a determination:

- 10 (a) That an effective administrative regulation or an administrative regulation
11 filed with the Commission is deficient because it:
- 12 1. Is wrongfully promulgated;
 - 13 2. Appears to be in conflict with an existing statute;
 - 14 3. Appears to have no statutory authority for its promulgation;
 - 15 4. Appears to impose stricter or more burdensome state requirements than
16 required by the federal mandate, without reasonable justification;
 - 17 5. Fails to use tiering when tiering is applicable;
 - 18 6. Is in excess of the administrative body's authority;
 - 19 7. Appears to impose an unreasonable burden on government or small
20 business, or both;
 - 21 8. Is filed as an emergency administrative regulation without adequate
22 justification of the emergency nature of the situation as described in
23 KRS 13A.190(1);
 - 24 9. Has not been noticed in conformance with the requirements of KRS
25 13A.270(3);
 - 26 10. Does not provide an adequate cost analysis pursuant to KRS 13A.250;{
27 ~~or~~}

- 1 11. Was the subject of the subcommittee's instruction to an administrative
 2 body to appear under subsection (4) of this section and the
 3 administrative body failed to:
 4 a. Appear;
 5 b. Make a good-faith effort to answer subcommittee questions; or
 6 c. Provide any information or data required by the subcommittee;
 7 or
 8 12. Appears to be deficient in any other manner;
 9 (b) That an administrative regulation is needed to implement an existing statute;
 10 or
 11 (c) That an administrative regulation should be amended or repealed.
 12 (3) The subcommittee may conduct an informational review of an effective
 13 administrative regulation or an administrative regulation filed with the
 14 Commission if requested by a member of the subcommittee.
 15 (4) (a) The subcommittee may require any administrative body to appear before it to
 16 answer questions or submit data and information as required by the
 17 subcommittee in the performance of its duties under this chapter, and no
 18 administrative body shall fail to:
 19 1. Appear before the subcommittee;
 20 2. Make a good-faith effort to answer subcommittee questions;
 21 3. Provide any~~the~~ information or data required by the subcommittee; or
 22 4. Perform any combination of subparagraphs 1., 2., and 3. of this
 23 paragraph required by the subcommittee.
 24 (b) Either co-chair of the subcommittee may require action by an
 25 administrative body under paragraph (a) of this subsection on behalf of the
 26 subcommittee.
 27 (5) At least five (5) calendar days before an informational review of an ordinary

- 1 *administrative regulation, the subcommittee shall notify the affected*
- 2 *administrative body.*