

**13A.300 Request by promulgating administrative body or a subcommittee to defer consideration of administrative regulation -- Consideration of deferred administrative regulation -- Limitation on number of deferrals -- Deferral of administrative regulation referred to second committee.**

- (1) The administrative body that promulgated an administrative regulation may request that consideration of the administrative regulation be deferred by the subcommittee.
- (2) The deferral of an administrative regulation scheduled for review by the Administrative Regulation Review Subcommittee shall be governed by the following:
  - (a) A request for deferral shall be automatically granted if:
    1. The administrative body submits a written letter to the regulations compiler; and
    2. The letter is received prior to the subcommittee meeting;
  - (b) A request for deferral may be granted at the discretion of the subcommittee if the request is made by the administrative body orally at a meeting of the subcommittee;
  - (c) The subcommittee may request that consideration of an administrative regulation be deferred by the promulgating administrative body. Upon receipt of the request, the promulgating administrative body may agree to defer consideration of the administrative regulation;
  - (d) Except as provided in paragraph (e) of this subsection, an administrative regulation that has been deferred shall be placed on the agenda of the next scheduled meeting of the subcommittee. The subcommittee shall consider the administrative regulation as if it had met all other requirements of filing. Repromulgation shall not be required in those cases; and
  - (e) An administrative regulation shall not be deferred under this subsection more than twelve (12) times.
- (3) The deferral of an administrative regulation referred to a second committee pursuant to subsection KRS 13A.290(6)(a) shall be governed by the following:
  - (a) Except as provided in paragraphs (c), (d), and (e) of this subsection:
    1. A request for deferral shall be automatically granted if:
      - a. The administrative body submits a written letter to the regulations compiler; and
      - b. The letter is received prior to the committee meeting;
    2. A request for deferral may be granted at the discretion of the second committee if the request is made by the administrative body orally at a meeting of the committee; and
    3. The committee may request that consideration of an administrative regulation be deferred by the promulgating administrative body. Upon receipt of the request, the promulgating administrative body may agree to defer consideration of the administrative regulation;

- (b) An administrative regulation that is deferred shall be placed on the agenda of the next scheduled meeting of the committee. If the committee does not have a meeting scheduled during the following calendar month, the deferred administrative regulation shall take effect on the last workday of the calendar month following the month in which the administrative regulation is deferred;
- (c) An administrative regulation shall not be deferred from the final scheduled meeting of an interim joint committee to which the administrative regulation was referred pursuant to KRS 13A.290(6)(a)1.;
- (d) An administrative regulation shall not be deferred from the final scheduled meeting of a standing committee to which the administrative regulation was referred pursuant to KRS 13A.290(6)(a)2.; and
- (e) An administrative regulation shall not be deferred from an interim joint committee to House and Senate standing committees or from House and Senate standing committees to an interim joint committee.

**Effective:** July 15, 2016

**History:** Amended 2016 Ky. Acts ch. 82, sec. 27, effective July 15, 2016. -- Amended 2012 Ky. Acts ch. 138, sec. 13, effective July 12, 2012. -- Amended 2005 Ky. Acts ch. 100, sec. 18, effective June 20, 2005. -- Amended 2003 Ky. Acts ch. 89, sec. 16, effective June 24, 2003. -- Amended 2000 Ky. Acts ch. 406, sec. 17, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 180, sec. 14, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 410, sec. 22, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 516, sec. 28, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 71, sec. 3, effective March 16, 1988; and ch. 425, sec. 13, effective July 15, 1988. -- Created 1984 Ky. Acts ch. 417, sec. 30, effective April 13, 1984.

**Legislative Research Commission Note (7/15/2016).** During codification of 2016 Ky. Acts ch. 82, sec. 27, the Reviser of Statutes corrected a manifest clerical or typographical error in references in subsection (3)(c) and (d) of this statute to "subsection (6)(b)1." and "subsection (6)(b)2.", respectively, of Section 26 of that Act, which was KRS 13A.290. The correct references should have been to "subsection (6)(a)1." and "subsection (6)(a)2.", respectively, of KRS 13A.290 and are reflected that way in this statute.