

13A.245 Agencies to prepare a federal mandate analysis comparing proposed state regulatory standards to federal standards -- Relationship between state administrative regulation and federal law or regulation governing a subject matter.

- (1)
 - (a) When promulgating administrative regulations and amending existing administrative regulations in response to a federal mandate, an administrative body shall compare its proposed compliance standards with any minimum or uniform standards suggested or contained in the federal mandate.
 - (b) Such a comparison shall include, in detail, a written determination by the administrative body on whether the proposed state administrative regulation will impose stricter requirements or other responsibilities on the regulated entities than those required by the federal mandate.
 - (c) If the administrative body determines that the proposed state administrative regulation imposes additional requirements or responsibilities on the regulated entities than is required by the federal mandate, the administrative body shall include in its comparison analysis a written statement justifying the imposition of stricter standards, requirements, or responsibilities.
- (2)
 - (a) Except as provided by paragraph (b) of this subsection, an administrative regulation shall conform to a federal law or regulation governing a subject matter if an administrative body is:
 1. Not required by federal law or regulation to promulgate an administrative regulation to comply with a federal law or regulation governing the subject matter; and
 2. Required or authorized by state law to promulgate an administrative regulation governing the subject matter.
 - (b) If the administrative regulation is more stringent than or otherwise differs from the federal law or regulation governing the subject matter, the administrative body shall state in detail in the "NECESSITY, FUNCTION, AND CONFORMITY" paragraph of the administrative regulation the manner in which it is more stringent than or otherwise differs from the federal law or regulation, and the reasons therefor.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 330, sec. 2, effective July 15, 1996. -- Created 1986 Ky. Acts ch. 89, sec. 8, effective July 15, 1986.