

13A.290 Review by Administrative Regulation Review Subcommittee -- Review by interim joint committee or standing committee with subject matter jurisdiction.

- (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 that the subcommittee has decided to review;
 4. Include each administrative regulation that was deferred from the prior month's meeting of the subcommittee; and
 5. Not include an administrative regulation that is deferred, withdrawn, expired, or automatically taken off the agenda under the provisions of this chapter.
 - (c) Review of an administrative regulation shall include the entire administrative regulation and all attachments filed with the administrative regulation. The review of amendments to existing administrative regulations shall not be limited to only the changes proposed by the promulgating administrative body.
- (2) The meetings shall be open to the public.
 - (3) Public notice of the time, date, and place of the Administrative Regulation Review Subcommittee meeting shall be given in the Administrative Register.
 - (4) (a) A representative of the administrative body for an administrative regulation under consideration shall be present to explain the administrative regulation and to answer questions thereon.
 - (b) If a representative of the administrative body with authority to amend a filed administrative regulation is not present at the subcommittee meeting, the administrative regulation shall be deferred to the next regularly scheduled meeting of the subcommittee.
 - (c) If a representative of an administrative body for an effective administrative regulation fails to appear before the subcommittee, the subcommittee may:
 1. Defer the administrative regulation to the next regularly scheduled meeting of the subcommittee; or
 2. Make a nonbinding determination pursuant to KRS 13A.030(2), (3), and (4).
- (5) Following the meeting and before the next regularly scheduled meeting of the

Commission, the Administrative Regulation Review Subcommittee shall forward to the Commission its findings, recommendations, or other comments it deems appropriate in writing. The Administrative Regulation Review Subcommittee shall also forward to the Commission its findings, recommendations, or other comments it deems appropriate on an effective administrative regulation it has reviewed. The Administrative Regulation Review Subcommittee's findings shall be published in the Administrative Register.

- (6) (a) After review by the Administrative Regulation Review Subcommittee, the Commission shall, on the first Wednesday of the following month, or if the first Wednesday is a legal holiday, the next workday of the month, assign a filed administrative regulation to:
 1. An interim joint committee with subject matter jurisdiction; or
 2. The Senate and House standing committees with subject matter jurisdiction.
- (b) Upon notification of the assignment by the Commission, the legislative subcommittee to which the administrative regulation is assigned shall notify the regulations compiler:
 1. Of the date, time, and place of the meeting at which it will consider the administrative regulation; or
 2. That it will not meet to consider the administrative regulation.
- (7) (a) Within ninety (90) days of the assignment, the subcommittee may hold a public meeting during which the administrative regulation shall be reviewed.
- (b) If the ninetieth day of the assignment falls on a Saturday, Sunday, or holiday, the deadline for review shall be the workday following the Saturday, Sunday, or holiday.
- (c)
 1. If the administrative regulation is assigned to an interim joint committee and a session of the General Assembly begins during the review period, the assignment shall transfer to the Senate and House standing committees with subject matter jurisdiction.
 2. If the administrative regulation is assigned to Senate and House standing committees and a session of the General Assembly adjourns sine die during the review period, the assignment shall transfer to the interim joint committee with subject matter jurisdiction.
 3. An administrative regulation may be transferred more than one (1) time under this paragraph. A transfer shall not extend the review period established by this subsection.
- (d) Notice of the time, date, and place of the meeting shall be placed in the legislative calendar.
- (8) Except as provided in subsection (9) of this section, a subcommittee shall be empowered to make the same nonbinding determinations and to exercise the same authority as the Administrative Regulation Review Subcommittee.
- (9) (a) This subsection shall apply to administrative regulations filed with the

Commission.

- (b) A majority of the entire membership of the subcommittee to which an administrative regulation is referred pursuant to subsection (6)(a) of this section shall constitute a quorum for purposes of reviewing administrative regulations.
 - (c) In order to amend an administrative regulation pursuant to KRS 13A.320, defer an administrative regulation pursuant to KRS 13A.300, or find an administrative regulation deficient pursuant to KRS 13A.030(2), (3), and (4), the motion to amend, defer, or find deficient shall be approved by a majority of the entire membership of the subcommittee. Additionally, during a session of the General Assembly, standing committees of the Senate and House of Representatives shall agree in order to amend an administrative regulation, defer an administrative regulation, or find an administrative regulation deficient by:
 - 1. Meeting separately; or
 - 2. Meeting jointly. If the standing committees meet jointly, it shall require a majority vote of Senate members voting and a majority of House members voting, as well as the majority vote of the entire membership of the standing committees meeting jointly, in order to take action on the administrative regulation.
- (10) (a) The quorum requirements of subsection (9)(b) of this section shall apply to an effective administrative regulation under review by a subcommittee.
- (b) A motion to find an effective administrative regulation deficient shall be approved by:
- 1. A majority of the entire membership of the Administrative Regulation Review Subcommittee;
 - 2. A majority of a House or Senate standing committee; or
 - 3. A joint standing committee in accordance with subsection (9)(c)2. of this section.
- (11) (a) Upon adjournment of the meeting at which a legislative subcommittee has considered an administrative regulation pursuant to subsection (7) or (10) of this section, the subcommittee shall inform the regulations compiler of its findings, recommendations, or other action taken on the administrative regulation.
- (b) Following the meeting and before the next regularly scheduled meeting of the Commission, the subcommittee shall forward to the Commission its findings, recommendations, or other comments it deems appropriate in writing. The subcommittee's findings shall be published in the Administrative Register.

Effective: June 27, 2019

History: Amended 2019 Ky. Acts ch. 192, sec. 7, effective June 27, 2019. -- Amended 2016 Ky. Acts ch. 82, sec. 26, effective July 15, 2016. -- Amended 2005 Ky. Acts ch. 100, sec. 17, effective June 20, 2005. -- Amended 2003 Ky. Acts ch. 89, sec. 15, effective June 24, 2003. -- Amended 2000 Ky. Acts ch. 406, sec. 16, effective July

14, 2000. -- Amended 1998 Ky. Acts ch. 598, sec. 8, effective April 14, 1998. -- Amended 1996 Ky. Acts ch. 180, sec. 13, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 410, sec. 21, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 516, sec. 27, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 71, sec. 2, effective July 15, 1988; and ch. 425, sec. 11, effective July 15, 1988. -- Created 1984 Ky. Acts ch. 417, sec. 29, effective April 13, 1984.