

13A.3104 Certification process for avoiding expiration of administrative regulations.

- (1) If an administrative body does not want an administrative regulation to expire under KRS 13A.3102, the administrative body shall:
 - (a) Review the administrative regulation in its entirety for compliance with current law governing the subject matter of the administrative regulation;
 - (b) Prior to the expiration date, file a certification letter with the regulations compiler stating whether the administrative regulation shall be amended or remain in effect without amendment; and
 - (c) Not be required to consider KRS Chapter 13A drafting and formatting requirements as part of its review.
- (2) The certification letter shall be on the administrative body's official letterhead, in the format prescribed by the regulations compiler, and include the following information:
 - (a) The name of the administrative body;
 - (b) The number of the administrative regulation;
 - (c) The title of the administrative regulation;
 - (d) A statement that:
 1. The administrative body shall be amending the administrative regulation; or
 2. The administrative regulation shall remain in effect without amendment; and
 - (e) A brief statement in support of the decision.
- (3)
 - (a) If the certification letter was filed pursuant to subsection (1)(b) of this section, stating that the administrative regulation shall be amended, the administrative body shall file an amendment to the administrative regulation in accordance with KRS Chapter 13A within eighteen (18) months of the date the certification letter was filed.
 - (b) If the amendment was filed in accordance with paragraph (a) of this subsection:
 1. The administrative regulation shall not expire if it is continuing through the administrative regulations process; or
 2. The administrative regulation shall expire on the date the amendment is withdrawn or otherwise ceases going through the administrative regulations process.
 - (c) Once the amendment is effective, the regulations compiler shall update the last effective date for that administrative regulation to reflect the amendment's effective date.
- (4) If the certification letter was filed pursuant to subsection (1)(b) of this section, stating that the administrative regulation shall remain in effect without amendment, the regulations compiler shall:

- (a) Update the administrative regulation's history line to state that a certification letter was received; and
 - (b) Change the last effective date of the administrative regulation to the date the certification letter was received.
- (5) If filed by the deadline established in KRS 13A.050(3), the regulations compiler shall publish in the Administrative Register of Kentucky each certification letter received:
- (a) In summary format; or
 - (b) In its entirety.

Effective: June 27, 2019

History: Amended 2019 Ky. Acts ch. 192, sec. 11, effective June 27, 2019. -- Created 2017 Ky. Acts ch. 77, sec. 5, effective June 29, 2017.