

13A.335 Reasons administrative regulation found deficient shall not be considered deficient -- Notice.

- (1) (a) A filed administrative regulation found deficient by a subcommittee shall not be considered deficient if:
 1. A subsequent amendment of that administrative regulation is filed with the Commission by the administrative body;
 2. The subcommittee that found the administrative regulation deficient approves a motion that the subsequent amendment corrects the deficiency; and
 3. Any subcommittee that reviews the administrative regulation under the provisions of KRS Chapter 13A finds that the administrative regulation is not deficient.
 - (b) A filed administrative regulation found deficient by the Administrative Regulation Review Subcommittee shall not be considered deficient if:
 1. The administrative regulation is amended to correct the deficiency at a meeting of the subcommittee to which it was assigned by the Commission;
 2. That subcommittee does not determine that the administrative regulation is deficient for any other reason; and
 3. The Administrative Regulation Review Subcommittee approves a motion that the deficiency has been corrected and that the administrative regulation should not be considered deficient.
 - (c) A filed administrative regulation found deficient by a subcommittee with subject matter jurisdiction shall not be considered deficient if the subcommittee:
 1. Reconsiders the administrative regulation and its finding of deficiency; and
 2. Approves a motion that the administrative regulation is not deficient.
 - (d) If an amendment to an effective administrative regulation is going through the KRS Chapter 13A promulgation process and is found deficient by a subcommittee, the administrative regulation shall not be considered deficient if the:
 1. Administrative regulation was found deficient due to the amendment;
 2. Promulgating administrative body has withdrawn the proposed amendment of the existing administrative regulation; and
 3. Regulations compiler has not received the Governor's determination pursuant to KRS 13A.330.
- (2) If an effective administrative regulation is found deficient by a subcommittee, the administrative regulation shall not be considered deficient if the subcommittee:
 - (a) Reconsiders the administrative regulation and its finding of deficiency; and
 - (b) Approves a motion that the administrative regulation is not deficient.

- (3) (a) If an administrative regulation has been found deficient by a subcommittee, the regulations compiler shall add the following notice to the administrative regulation: "This administrative regulation was found deficient by the [name of subcommittee] on [date]." This notice shall be the last section of the administrative regulation.
- (b) If an administrative regulation has been found deficient by a subcommittee, subsequent amendments of that administrative regulation filed with the Commission shall contain the notice provided in paragraph (a) of this subsection.
- (c) If an administrative regulation that has been found deficient by a subcommittee has subsequently been determined not to be deficient under the provisions of this section, the regulations compiler shall delete the notice required by paragraph (a) of this subsection.

Effective: June 27, 2019

History: Amended 2019 Ky. Acts ch. 192, sec. 15, effective June 27, 2019. -- Amended 2005 Ky. Acts ch. 100, sec. 23, effective June 20, 2005. -- Amended 2000 Ky. Acts ch. 406, sec. 21, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 350, sec. 3, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 180, sec. 19, effective July 15, 1996. -- Created 1990 Ky. Acts ch. 516, sec. 5, effective July 13, 1990.