

13A.030 Duties of subcommittee.

- (1) The Administrative Regulation Review Subcommittee shall:
 - (a) Conduct a continuous study as to whether additional legislation or changes in legislation are needed based on various factors, including, but not limited to, review of new, emergency, and existing administrative regulations, the lack of administrative regulations, and the needs of administrative bodies;
 - (b) Except as provided by KRS 158.6471 and 158.6472, review and comment upon effective administrative regulations pursuant to subsections (2), (3), and (4) of this section or administrative regulations filed with the Commission;
 - (c) Make recommendations for changes in statutes, new statutes, repeal of statutes affecting administrative regulations or the ability of administrative bodies to promulgate them; and
 - (d) Conduct such other studies relating to administrative regulations as may be assigned by the Commission.
- (2) The subcommittee may make a determination:
 - (a) That an effective administrative regulation or an administrative regulation filed with the Commission is deficient because it:
 1. Is wrongfully promulgated;
 2. Appears to be in conflict with an existing statute;
 3. Appears to have no statutory authority for its promulgation;
 4. Appears to impose stricter or more burdensome state requirements than required by the federal mandate, without reasonable justification;
 5. Fails to use tiering when tiering is applicable;
 6. Is in excess of the administrative body's authority;
 7. Appears to impose an unreasonable burden on government or small business, or both;
 8. Is filed as an emergency administrative regulation without adequate justification of the emergency nature of the situation as described in KRS 13A.190(1);
 9. Has not been noticed in conformance with the requirements of KRS 13A.270(3); or
 10. Appears to be deficient in any other manner;
 - (b) That an administrative regulation is needed to implement an existing statute; or
 - (c) That an administrative regulation should be amended or repealed.
- (3) The subcommittee may review an effective administrative regulation if requested by a member of the subcommittee.
- (4) The subcommittee may require any administrative body to submit data and information as required by the subcommittee in the performance of its duties under this chapter, and no administrative body shall fail to provide the information or data required.

Effective: February 2, 2021

History: Amended 2021 Ky. Acts ch. 7, sec. 2, effective February 2, 2021. -- Amended 2019 Ky. Acts ch. 192, sec. 2, effective June 27, 2019. -- Amended 2004 Ky. Acts ch. 165, sec. 3, effective July 13, 2004. -- Amended 2000 Ky. Acts ch. 406, sec. 4, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 598, sec. 7, effective April 14, 1998. -- Amended 1994 Ky. Acts ch. 410, sec. 5, effective July 15, 1994. -- Amended 1986 Ky. Acts ch. 89, sec. 6, effective July 15, 1986. -- Created 1984 Ky. Acts ch. 417, sec. 3, effective April 13, 1984.