

**13A.312 Actions required when authority over a subject matter is transferred to another administrative body or name of administrative body is changed -- Return of administrative regulations to previous form if General Assembly does not confirm or codify executive order.**

- (1) If authority over a subject matter is transferred to another administrative body or if the name of an administrative body is changed by statute or by executive order during the interim between regular sessions of the General Assembly, the administrative regulations of that administrative body in effect on the effective date of the statutory change or the executive order shall remain in effect as they exist until the administrative body that has been granted authority over the subject matter amends or repeals the administrative regulations pursuant to KRS Chapter 13A.
- (2) After receipt of a written request, submitted pursuant to subsection (3) of this section, to make changes to an administrative regulation pursuant to the statutory change or executive order, the regulations compiler shall alter the administrative regulations referenced in subsection (1) of this section to:
  - (a) Change the name of the administrative body pursuant to the provisions of the statute or executive order; and
  - (b) Make any other technical changes necessary to carry out the provisions of the statute or executive order.
- (3) The administrative body that has been granted statutory authority over the subject matter shall provide to the regulations compiler in writing:
  - (a) A listing of the administrative regulations that require any changes; and
  - (b) The specific names, terms, or other information to be changed with those changes properly referenced.
- (4) The administrative body that has been granted statutory authority over the subject matter shall submit new forms to replace forms previously incorporated by reference in an administrative regulation if the only changes on the form are the name and mailing address of the administrative body. If there are additional changes to a form incorporated by reference, the administrative body shall promulgate an amendment to the existing administrative regulation and make the changes to the material incorporated by reference in accordance with KRS 13A.2255.
- (5) If an administrative body is abolished by statute or executive order and the authority over its subject matter is not transferred to another administrative body, the Governor, or the secretary of the cabinet to which the administrative body was attached, shall promulgate an administrative regulation to repeal the existing administrative regulations that were promulgated by the abolished administrative body. The repeal shall be accomplished as provided by KRS 13A.310.
- (6) If an executive order transfers authority over a subject matter to another administrative body or changes the name of an administrative body during the interim between regular sessions of the General Assembly, and the General Assembly does not codify or confirm the executive order during the next regular session, any and all administrative regulations promulgated to implement the unconfirmed executive order shall be returned to their previous

form by the administrative body using the promulgation procedures established by KRS Chapter 13A, including but not limited to:

- (a) Withdrawal of a proposed administrative regulation;
- (b) Amendment or repeal of an existing administrative regulation;
- (c) Promulgation of a new administrative regulation; or
- (d) Submission of technical changes in the manner established by subsections (3) and (4) of this section.

**Effective:** February 2, 2021

**History:** Amended 2021 Ky. Acts ch. 7, sec. 14, effective February 2, 2021. -- Amended 2016 Ky. Acts ch. 82, sec. 29, effective July 15, 2016. -- Amended 2004 Ky. Acts ch. 141, sec. 4, effective July 13, 2004. -- Created 1996 Ky. Acts ch. 180, sec. 20, effective July 15, 1996.