13A.315 Mandatory withdrawal of administrative regulation prior to review by legislative subcommittee -- Effect of noncompliance with chapter -- Withdrawal of deficient administrative regulation upon Governor's determination.

(1) An administrative regulation shall expire and shall not be reviewed by a legislative subcommittee if:

(a) It has not been reviewed or approved by the official or administrative body with authority to review or approve;

(b) An item is not filed on or before a deadline specified by this chapter;

(c) The administrative body has failed to comply with the provisions of this chapter governing the filing of administrative regulations, the public hearing and public comment period, or the statement of consideration; or

(d) The administrative regulation is deferred pursuant to KRS 13A.300 more than twelve (12) consecutive months.

(2) (a) An administrative regulation that has been found deficient by a subcommittee shall be withdrawn immediately if, pursuant to KRS 13A.330 or 13A.331, the Governor has determined that it shall be withdrawn.

(b) The Governor shall notify the regulations compiler in writing and by telephone that he or she has determined that the administrative regulation found deficient shall be withdrawn.

(c) The written withdrawal of an administrative regulation governed by the provisions of this subsection shall be made in a letter to the regulations compiler in the following format: "Pursuant to KRS 13A.330(2)(b) or 13A.331(2)(b), I have determined that (administrative regulation number and title) shall be (withdrawn, or withdrawn and amended to conform to the finding of deficiency, as applicable). The administrative regulation, (administrative regulation number and title), is hereby withdrawn."

(d) An administrative regulation governed by the provisions of this subsection shall be considered withdrawn upon receipt by the regulations compiler of the written withdrawal.

Effective: July 12, 2012

History: Amended 2012 Ky. Acts ch. 138, sec. 14, effective July 12, 2012. -- Amended 2005 Ky. Acts ch. 100, sec. 20, effective June 20, 2005. -- Amended 2000 Ky. Acts ch. 406, sec. 24, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 350, sec. 1, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 410, sec. 24, effective July 15, 1994. -- Created 1990 Ky. Acts ch. 516, sec. 1, effective July 13, 1990.