

**13A.290 Review by Administrative Regulation Review Subcommittee -- Review by interim joint committee or standing committee with subject matter jurisdiction.**

- (1) (a) Except as provided by KRS 158.6471 and 158.6472, the Administrative Regulation Review Subcommittee shall meet monthly to review administrative regulations prior to close of business on the fifteenth day of the calendar month.
  - (b) The agenda shall:
    1. Include each administrative regulation that was published in the prior month's Administrative Register not including the administrative regulations published in the "As Amended" section;
    2. Include each administrative regulation for which a statement of consideration was received on or before 12 noon, eastern time, on the fifteenth day of the prior calendar month;
    3. Include each administrative regulation that was deferred from the prior month's meeting of the subcommittee; and
    4. Not include an administrative regulation that is deferred, withdrawn, expired, or automatically taken off the agenda under the provisions of this chapter.
  - (c) Review of an administrative regulation shall include the entire administrative regulation and all attachments filed with the administrative regulation. The review of amendments to existing administrative regulations shall not be limited to only the changes proposed by the promulgating administrative body.
- (2) The meetings shall be open to the public.
  - (3) Public notice of the time, date, and place of the Administrative Regulation Review Subcommittee meeting shall be given in the Administrative Register.
  - (4) A representative of the administrative body promulgating the administrative regulation under consideration shall be present to explain the administrative regulation and to answer questions thereon. If a representative of the administrative body with authority to amend the administrative regulation is not present at the subcommittee meeting, the administrative regulation shall be deferred to the next regularly scheduled meeting of the subcommittee.
  - (5) Following the meeting and before the next regularly scheduled meeting of the Commission, the Administrative Regulation Review Subcommittee shall forward to the Commission its findings, recommendations, or other comments it deems appropriate in writing. The Administrative Regulation Review Subcommittee shall also forward to the Commission its findings, recommendations, or other comments it deems appropriate on an existing administrative regulation it has reviewed. The Administrative Regulation Review Subcommittee's findings shall be published in the Administrative Register.
  - (6) (a) After review by the Administrative Regulation Review Subcommittee, the Commission shall, on the first Wednesday of the following month, or if the

first Wednesday is a legal holiday, the next workday of the month, assign the administrative regulation to:

1. An interim joint committee of appropriate jurisdiction over the subject matter of the administrative regulation; or
  2. During a session of the General Assembly, the House of Representatives and Senate standing committees of appropriate jurisdiction over the subject matter of the administrative regulation.
- (b) Upon notification of the assignment by the Commission, the legislative subcommittee to which the administrative regulation is assigned shall notify the regulations compiler:
1. Of the date, time, and place of the meeting at which it will consider the administrative regulation; or
  2. That it will not meet to consider the administrative regulation.
- (7) Within thirty (30) days of the assignment, the subcommittee may hold a public meeting during which the administrative regulation shall be reviewed. If the thirtieth day of the assignment falls on a Saturday, Sunday, or holiday, the deadline for review shall be the workday following the Saturday, Sunday, or holiday. The subcommittee may also review an existing administrative regulation and make a determination as provided by KRS 13A.030(2) and (3). Notice of the time, date, and place of the meeting shall be placed in the legislative calendar.
- (8) Except as provided in subsection (9) of this section, a subcommittee shall be empowered to make the same nonbinding determinations and to exercise the same authority as the Administrative Regulation Review Subcommittee.
- (9) (a) A majority of the entire membership of the subcommittee to which an administrative regulation is referred pursuant to subsection (6)(a) of this section shall constitute a quorum for purposes of reviewing administrative regulations.
- (b) In order to amend an administrative regulation pursuant to KRS 13A.320 or to find an administrative regulation deficient pursuant to KRS 13A.030(2) and (3), the motion to amend or find deficient shall be approved by a majority of the entire membership of the subcommittee. Additionally, during a session of the General Assembly, standing committees of the Senate and House of Representatives shall agree in order to amend an administrative regulation or to find an administrative regulation deficient pursuant to KRS 13A.030(2) and (3) by:
1. Meeting separately; or
  2. Meeting jointly. If the standing committees meet jointly, it shall require a majority vote of Senate members voting and a majority of House members voting, as well as the majority vote of the entire membership of the standing committees meeting jointly, in order to take action on the administrative regulation.
- (10) (a) Upon adjournment of the meeting at which a legislative subcommittee has considered an administrative regulation pursuant to subsection (7) of this

section, the subcommittee shall inform the regulations compiler of its findings, recommendations, or other action taken on the administrative regulation.

- (b) Following the meeting and before the next regularly scheduled meeting of the Commission, the subcommittee shall forward to the Commission its findings, recommendations, or other comments it deems appropriate in writing. The subcommittee's findings shall be published in the Administrative Register.

**Effective:** July 15, 2016

**History:** Amended 2016 Ky. Acts ch. 82, sec. 26, effective July 15, 2016. -- Amended 2005 Ky. Acts ch. 100, sec. 17, effective June 20, 2005. -- Amended 2003 Ky. Acts ch. 89, sec. 15, effective June 24, 2003. -- Amended 2000 Ky. Acts ch. 406, sec. 16, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 598, sec. 8, effective April 14, 1998. -- Amended 1996 Ky. Acts ch. 180, sec. 13, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 410, sec. 21, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 516, sec. 27, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 71, sec. 2, effective July 15, 1988; and ch. 425, sec. 11, effective July 15, 1988. -- Created 1984 Ky. Acts ch. 417, sec. 29, effective April 13, 1984.