

**13A.320 Amendment of administrative regulation during meeting of subcommittee or public meeting -- Format.**

- (1)
  - (a) An administrative body may amend an administrative regulation at a subcommittee meeting with the consent of the subcommittee. A subcommittee may amend an administrative regulation at a subcommittee meeting with the consent of the administrative body.
  - (b) An administrative regulation shall not be amended at a public meeting of a subcommittee unless the amendment concerns an issue that was related to the administrative regulation filed with the Legislative Research Commission and was:
    1. Considered at the public hearing;
    2. Raised pursuant to a comment received by the administrative body at the public hearing or during the public comment period pursuant to KRS 13A.280(1); or
    3. Raised during the subcommittee meeting.
  - (c) Nothing in this chapter shall be construed to require the administrative regulation's resubmission or refileing or other action. The administrative regulation may be adopted as amended.
  - (d) Following approval of an amendment to an administrative regulation at a subcommittee meeting, the administrative regulation as amended shall be published in the Administrative Register, unless all amendments to the administrative regulation that were made at the meeting of the subcommittee:
    1. Relate only to the formatting and drafting requirements of KRS 13A.220(5) and 13A.222(4)(b), (c), (i), (j), and (l); and
    2. Do not alter the intent, meaning, conditions, standards, or other requirements of the administrative regulation.
  - (e) If the amendments to an administrative regulation made at a meeting of a subcommittee meet the exception requirements of paragraph (d) of this subsection, the regulations compiler shall publish a notice in the Administrative Register that the administrative regulation was amended at a subcommittee meeting only to comply with the formatting and drafting requirements of this chapter.
- (2) When an administrative body intends to amend an administrative regulation at a meeting of the subcommittee, the following requirements shall be met:
  - (a) Amendments offered by the administrative body prior to a subcommittee meeting shall be approved by the head of the administrative body.
  - (b) Amendments shall be contained in a letter to the subcommittee. The letter shall:
    1. Identify the administrative body;
    2. State the number and title of the administrative regulation;
    3. Be dated;

4. Be filed with the regulations compiler at least three (3) workdays prior to the meeting of the subcommittee if the amendments are initiated by the administrative body; and
  5. Comply with the format requirements in paragraphs (c) and (d) of this subsection if the amendments are initiated by the administrative body.
- (c) On separate lines, the amendment shall be identified by the number of the:
1. Page;
  2. Section, subsection, paragraph, subparagraph, clause, or subclause, as appropriate; and
  3. Line.
- (d)
1. If a word or phrase, whether or not underlined, is to be deleted, the amendment shall identify the word or phrase to be deleted and state that it is to be deleted. If a word or phrase is to be replaced by another word or phrase, the amendment shall specify the word or phrase that is to be deleted and shall specify the word or phrase that is to be inserted in lieu thereof.
  2. If new language is to be inserted, the amendment shall state that it is to be inserted, and the new language shall be underlined.
  3. If the amendment consists of no more than four (4) words, the words shall be placed between quotation marks. If the amendment consists of more than four (4) words, the amendment shall be indented and not placed between quotation marks.
  4. If a section, subsection, paragraph, subparagraph, clause, or subclause is to be deleted in its entirety, the amendment shall identify it and state that it is deleted in its entirety, whether or not it contains underlined or bracketed language.
- (3) If an amendment is drafted by subcommittee staff on behalf of a subcommittee, the amendment shall be made:
- (a) In the format required by subsection (2)(c) and (d) of this section; or
  - (b) By substituting the complete text of the administrative regulation, with the proposed changes made to the administrative regulation typed in bold, italicized, and in the format prescribed by KRS 13A.222(2).
- (4) An amendment to an administrative regulation may be made orally at a subcommittee meeting if the requirements of subsection (1)(a) of this section are met.
- (5) Except for an amendment made orally pursuant to subsection (4) of this section:
- (a) For a meeting of the Administrative Regulation Review Subcommittee, an administrative body shall submit twenty (20) copies of an amendment to an administrative regulation to the regulations compiler prior to the Administrative Regulation Review Subcommittee meeting at which the amendment will be considered and, if applicable, in accordance with the deadline established in subsection (2)(b)4. of this section; or

- (b) For a meeting of a subcommittee other than the Administrative Regulation Review Subcommittee, an administrative body shall contact the regulations compiler prior to the subcommittee meeting at which the amendment will be considered to find out the number of copies needed for that specific subcommittee. The original amendment and the specified number of copies shall be submitted to the regulations compiler prior to the subcommittee meeting at which the amendment will be considered and, if applicable, in accordance with the deadline established in subsection (2)(b)4. of this section.

**Effective:** July 15, 2016

**History:** Amended 2016 Ky. Acts ch. 82, sec. 31, effective July 15, 2016. -- Amended 2012 Ky. Acts ch. 138, sec. 15, effective July 12, 2012. -- Amended 2005 Ky. Acts ch. 100, sec. 21, effective June 20, 2005. -- Amended 2003 Ky. Acts ch. 89, sec. 17, effective June 24, 2003. -- Amended 1998 Ky. Acts ch. 38, sec. 10, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 180, sec. 16, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 410, sec. 25, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 516, sec. 30, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 71, sec. 5, effective July 15, 1988; and ch. 415, sec. 12, effective July 15, 1988. -- Created 1984 Ky. Acts ch. 417, sec. 32, effective April 13, 1984.