

### **13A.010 Definitions for chapter.**

As used in this chapter, unless the context otherwise requires:

- (1) "Administrative body" means each state board, bureau, cabinet, commission, department, authority, officer, or other entity, except the General Assembly and the Court of Justice, authorized by law to promulgate administrative regulations;
- (2) "Administrative regulation" means each statement of general applicability promulgated by an administrative body that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of any administrative body. The term includes an existing administrative regulation, a new administrative regulation, an emergency administrative regulation, an administrative regulation in contemplation of a statute, the amendment or repeal of an existing administrative regulation, but does not include:
  - (a) Statements concerning only the internal management of an administrative body and not affecting private rights or procedures available to the public;
  - (b) Declaratory rulings;
  - (c) Intradepartmental memoranda not in conflict with KRS 13A.130;
  - (d) Statements relating to acquisition of property for highway purposes and statements relating to the construction or maintenance of highways; or
  - (e) Rules, regulations, and policies of the governing boards of institutions that make up the postsecondary education system defined in KRS 164.001 pertaining to students attending or applicants to the institutions, to faculty and staff of the respective institutions, or to the control and maintenance of land and buildings occupied by the respective institutions;
- (3) "Adopted" means that an administrative regulation has become effective in accordance with the provisions of this chapter;
- (4) "Authorizing signature" means the signature of the head of the administrative body authorized by statute to promulgate administrative regulations;
- (5) "Commission" means the Legislative Research Commission;
- (6) "Economic impact" means a financial impact on:
  - (a) Commercial enterprises;
  - (b) Retail businesses;
  - (c) Service businesses;
  - (d) Small businesses;
  - (e) Industry;
  - (f) Government;
  - (g) Consumers of a product or service; or
  - (h) Taxpayers;
- (7) "Effective" means that an administrative regulation has completed the legislative subcommittee review established by KRS 13A.290, 13A.330, and 13A.331;

- (8) "Federal mandate" means any federal constitutional, legislative or executive law or order which requires or permits any administrative body to engage in regulatory activities which impose compliance standards, reporting requirements, recordkeeping, or similar responsibilities upon entities in the Commonwealth;
- (9) "Federal mandate comparison" means a written statement containing the information required by KRS 13A.245;
- (10) "Filed" or "promulgated" means that an administrative regulation, or other document required to be filed by this chapter, has been submitted to the Commission in accordance with this chapter;
- (11) "Government" means and includes a city, county, urban-county, charter county, consolidated local government, special district, or a quasi-governmental body authorized by the Kentucky Revised Statutes or a local ordinance;
- (12) "Proposed administrative regulation" means an administrative regulation that an administrative body proposes to promulgate;
- (13) "Regulatory impact analysis" means a written statement containing the provisions required by KRS 13A.240;
- (14) "Small business" means a business entity, including its affiliates, that:
  - (a) Is independently owned and operated; and
  - (b)
    1. Employs fewer than one hundred fifty (150) full-time employees or their equivalent; or
    2. Has gross annual sales of less than six million dollars (\$6,000,000).
- (15) "Statement of consideration" means that an administrative body must either accept suggestions or recommendations regarding an administrative regulation or issue a concise statement setting forth the reasons for not accepting suggestions or recommendations regarding an administrative regulation;
- (16) "Subcommittee" means the Administrative Regulation Review Subcommittee, any other subcommittee of the Legislative Research Commission, an interim joint committee, or a House and Senate standing committee; and
- (17) "Tiering" means the tailoring of regulatory requirements to fit the particular circumstances surrounding regulated entities.

**Effective:** June 20, 2005

**History:** Amended 2005 Ky. Acts ch. 100, sec. 1, effective June 20, 2005. -- Amended 2004 Ky. Acts ch. 165, sec. 2, effective July 13, 2004. -- Amended 2000 Ky. Acts ch. 288, sec. 2, effective July 14, 2000; and ch. 406, sec. 2, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 38, sec. 9, effective July 15, 1998. -- Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 30, effective May 30, 1997. -- Amended 1996 Ky. Acts ch. 180, sec. 1, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 410, sec. 1, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 516, sec. 13, effective July 13, 1990. -- Amended 1986 Ky. Acts ch. 89, sec. 5, effective July 15, 1986. -- Created 1984 Ky. Acts ch. 417, sec. 1, effective April 13, 1984.