

**13A.330 Adoption and effective date of administrative regulation -- Governor's determination after finding of deficiency.**

The provisions of this section shall apply to administrative regulations that are assigned pursuant to KRS 13A.290(6)(a)1.

- (1) An administrative regulation that has not been found deficient by a legislative subcommittee shall be considered as adopted and shall become effective:
  - (a) Upon adjournment on the day a subcommittee meets to consider the administrative regulation pursuant to KRS 13A.290(7) if:
    1. The administrative regulation is on the agenda of the subcommittee meeting;
    2. A quorum of the subcommittee is present; and
    3. The subcommittee:
      - a. Considers the administrative regulation; or
      - b. Fails to consider the administrative regulation and fails to agree to defer its consideration of the administrative regulation; or
  - (b) If a subcommittee fails to meet within thirty (30) days of assignment of an administrative regulation as provided in KRS 13A.290(7), or does not place the administrative regulation on the agenda of a meeting held within thirty (30) days of the referral of the administrative regulation to it by the Commission, at the expiration of the thirty (30) day period.
- (2) If an administrative regulation has been found deficient by a legislative subcommittee, the legislative subcommittee shall transmit to the Governor:
  - (a) A copy of its finding of deficiency and other findings, recommendations, or comments it deems appropriate; and
  - (b) A request that the Governor determine whether the administrative regulation shall:
    1. Be withdrawn;
    2. Be withdrawn and amended to conform to the finding of deficiency; or
    3. Become effective pursuant to the provisions of this section notwithstanding the finding of deficiency.
- (3) If an administrative regulation has been found deficient by a legislative subcommittee, the legislative subcommittee shall transmit copies of its transmittal to the Governor to the regulations compiler.
- (4) The Governor shall transmit his determination to the Commission and the regulations compiler.
- (5) An administrative regulation that has been found deficient by a legislative subcommittee shall be considered as adopted and become effective after:
  - (a) 1. The subcommittee of appropriate jurisdiction to which an administrative regulation was assigned pursuant to KRS 13A.290(6) has:
    - a. Considered the administrative regulation;

- b. Failed to consider the administrative regulation and failed to agree to defer its consideration of the administrative regulation; or
    - c. Failed to meet within thirty (30) days of such assignment; and
  - 2. The regulations compiler has received the Governor's determination that the administrative regulation shall become effective pursuant to the provisions of this section notwithstanding the finding of deficiency; or
- (b) The legislative subcommittee that found the administrative regulation deficient subsequently determines that the administrative regulation is not deficient, provided that this determination was made prior to receipt by the regulations compiler of the Governor's determination.

**Effective:** June 20, 2005

**History:** Amended 2005 Ky. Acts ch. 100, sec. 22, effective June 20, 2005. -- Amended 2000 Ky. Acts ch. 406, sec. 19, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 38, sec. 8, effective July 15, 1998; and ch. 350, sec. 2, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 180, sec. 17, effective July 15, 1996; and ch. 269, sec. 1, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 410, sec. 26, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 516, sec. 31, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 71, sec. 6, effective July 15, 1988. -- Created 1984 Ky. Acts ch. 417, sec. 33, effective April 13, 1984.