

238.522 Restriction on promulgating administrative regulations.

- (1) (a) If the department has proposed a new or amended administrative regulation that changes the manner in which a charitable organization conducts charitable gaming or is likely to cause a charitable organization to incur new or additional costs, the department shall not promulgate the proposed administrative regulation without first receiving comments from the Charitable Gaming Advisory Commission established in KRS 238.520, subject to the restrictions of paragraph (b) of this subsection.
 - (b) 1. If the proposed administrative regulation qualifies under paragraph (a) of this subsection, the department shall distribute the proposed administrative regulation to the advisory commission.
 2. The advisory commission shall be granted a maximum of sixty (60) days to submit its comments on the proposed regulatory change. If the administrative regulation is a new emergency regulation, the advisory commission shall be granted a maximum of thirty (30) days to submit its comments on the proposed regulatory change.
 3. The time limits in this paragraph shall begin from the day the department submits the regulatory change and sets a date for a proposed hearing for the comments of the advisory commission. If the advisory commission is already scheduled to meet at a time that will give it an adequate opportunity to review the regulation and respond, the hearing may be held at that meeting.
 4. If an advisory commission is not scheduled to meet, the department shall arrange for the advisory commission to meet at a time that will provide the advisory commission an adequate opportunity to review and comment on the regulation within the time limit. If the advisory commission fails to comment within the time limit, the department may proceed with the administrative changes at its discretion.
 - (c) To the extent that any other statute relating to the department's authority to promulgate administrative regulations conflicts with this section, this section shall take precedence.
 - (d) If the advisory commission chooses to produce written comments, these comments shall be attached to any public submission of the administrative regulation, including any filing under KRS Chapter 13A, and may include majority or minority comments or both.
- (2) Any power or limitation relating to administrative regulations promulgated by the department that are subject to subsection (1) of this section shall also apply to administrative regulations promulgated by the commissioner of the department.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 537, effective July 15, 2010. -- Created 2007 Ky. Acts ch. 120, sec. 4, effective June 26, 2007.