

1 AN ACT relating to administrative regulations and declaring an emergency.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 13A.010 is amended to read as follows:

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

- 5 (1) "Administrative body" means each state board, bureau, cabinet, commission,  
6 department, authority, officer, or other entity, except the General Assembly and the  
7 Court of Justice, authorized by law to promulgate administrative regulations;
- 8 (2) "Administrative regulation" means each statement of general applicability  
9 promulgated by an administrative body that implements, interprets, or prescribes  
10 law or policy, or describes the organization, procedure, or practice requirements of  
11 any administrative body. The term includes an existing administrative regulation, a  
12 new administrative regulation, an emergency administrative regulation, an  
13 administrative regulation in contemplation of a statute, and the amendment or  
14 repeal of an existing administrative regulation, but does not include:
- 15 (a) Statements concerning only the internal management of an administrative  
16 body and not affecting private rights or procedures available to the public;
- 17 (b) Declaratory rulings;
- 18 (c) Intradepartmental memoranda not in conflict with KRS 13A.130;
- 19 (d) Statements relating to acquisition of property for highway purposes and  
20 statements relating to the construction or maintenance of highways; or
- 21 (e) Rules, regulations, and policies of the governing boards of institutions that  
22 make up the postsecondary education system defined in KRS 164.001  
23 pertaining to students attending or applicants to the institutions, to faculty and  
24 staff of the respective institutions, or to the control and maintenance of land  
25 and buildings occupied by the respective institutions;
- 26 (3) "Adopted" means that an administrative regulation has become effective in  
27 accordance with the provisions of this chapter;

- 1 (4) "Authorizing signature" means the signature of the head of the administrative body  
2 authorized by statute to promulgate administrative regulations;
- 3 (5) "Commission" means the Legislative Research Commission;
- 4 (6) "Effective" means an administrative regulation that has completed the legislative  
5 committee review established by KRS 13A.290, 13A.330, and 13A.331;
- 6 (7) "Federal mandate" means any federal constitutional, legislative, or executive law or  
7 order that requires or permits any administrative body to engage in regulatory  
8 activities that impose compliance standards, reporting requirements, recordkeeping,  
9 or similar responsibilities upon entities in the Commonwealth;
- 10 (8) "Federal mandate comparison" means a written statement containing the  
11 information required by KRS 13A.245;
- 12 (9) "Filed" or "promulgated" means that an administrative regulation, or other  
13 document required to be filed by this chapter, has been submitted to the  
14 Commission in accordance with this chapter;
- 15 (10) **"Full review" means that a filed administrative regulation is on an agenda for:**  
16 **(a) The subcommittee as the last step required by this chapter prior to**  
17 **assignment in accordance with subsection (6) of Section 5 of this Act;**  
18 **(b) A legislative committee as the last step required by this chapter for an**  
19 **ordinary administrative regulation before becoming effective upon**  
20 **adjournment in accordance with KRS 13A.331(1) and (2); or**  
21 **(c) A legislative committee as an emergency administrative regulation being**  
22 **reviewed after assignment in accordance with subsections (6) and (7) of**  
23 **Section 5 of this Act;**
- 24 **(11)** "Last effective date" means the latter of:  
25 (a) The most recent date an ordinary administrative regulation became effective,  
26 without including the date a technical amendment was made pursuant to KRS  
27 13A.040(10), 13A.2255(2), or 13A.312; or

1 (b) The date a certification letter was filed with the regulations compiler for that  
2 administrative regulation pursuant to KRS 13A.3104(4), if the letter stated  
3 that the administrative regulation shall remain in effect without amendment;

4 ~~(12)~~~~(11)~~ "Legislative committee" means an interim joint committee, a House or Senate  
5 standing committee, a statutory committee, or a subcommittee of the Legislative  
6 Research Commission;

7 ~~(13)~~~~(12)~~ "Local government" means and includes a city, county, urban-county, charter  
8 county, consolidated local government, special district, or a quasi-governmental  
9 body authorized by the Kentucky Revised Statutes or a local ordinance;

10 ~~(14)~~~~(13)~~ "Major economic impact" means an overall negative or adverse economic  
11 impact from an administrative regulation of five hundred thousand dollars  
12 (\$500,000) or more on state or local government or regulated entities, in aggregate,  
13 as determined by the promulgating administrative bodies;

14 ~~(15)~~~~(14)~~ "Proposed administrative regulation" means an administrative regulation that:

15 (a) Has been filed by an administrative body; and

16 (b) Has not become effective or been withdrawn;

17 ~~(16)~~~~(15)~~ "Regulatory impact analysis" means a written statement containing the  
18 provisions required by KRS 13A.240;

19 ~~(17)~~~~(16)~~ "Small business" means a business entity, including its affiliates, that:

20 (a) Is independently owned and operated; and

21 (b) 1. Employs fewer than one hundred fifty (150) full-time employees or their  
22 equivalent; or

23 2. Has gross annual sales of less than six million dollars (\$6,000,000);

24 ~~(18)~~~~(17)~~ "Statement of consideration" means the document required by KRS 13A.280  
25 in which the administrative body summarizes the comments received, its responses  
26 to those comments, and the action taken, if any, as a result of those comments and  
27 responses;

1 ~~(19)~~~~(18)~~ "Subcommittee" means the Administrative Regulation Review Subcommittee  
2 of the Legislative Research Commission;

3 ~~(20)~~~~(19)~~ "Tiering" means the tailoring of regulatory requirements to fit the particular  
4 circumstances surrounding regulated entities; and

5 ~~(21)~~~~(20)~~ "Written comments" means comments submitted to the administrative body's  
6 contact person identified pursuant to KRS 13A.220(6)(d) via hand delivery, United  
7 States mail, email~~[e-mail]~~, or facsimile and may include but is not limited to  
8 comments submitted internally from within the promulgating administrative body  
9 or from another administrative body.

10 ➔Section 2. KRS 13A.030 is amended to read as follows:

11 (1) The Administrative Regulation Review Subcommittee shall:

12 (a) Conduct a continuous study as to whether additional legislation or changes in  
13 legislation are needed based on various factors, including~~[,]~~ but not limited to,  
14 review of new, emergency, and existing administrative regulations, the lack of  
15 administrative regulations, and the needs of administrative bodies;

16 (b) Except as provided by KRS 158.6471 and 158.6472, review and comment  
17 upon effective administrative regulations pursuant to subsections (2), (3), and  
18 (4) of this section or administrative regulations filed with the Commission;

19 (c) Make recommendations for changes in statutes, new statutes, repeal of  
20 statutes affecting administrative regulations or the ability of administrative  
21 bodies to promulgate them; and

22 (d) Conduct such other studies relating to administrative regulations as may be  
23 assigned by the Commission.

24 (2) The subcommittee may make a determination:

25 (a) That an effective administrative regulation or an administrative regulation  
26 filed with the Commission is deficient because it:

27 1. Is wrongfully promulgated;

- 1           2.    Appears to be in conflict with an existing statute;
- 2           3.    Appears to have no statutory authority for its promulgation;
- 3           4.    Appears to impose stricter or more burdensome state requirements than
- 4                 required by the federal mandate, without reasonable justification;
- 5           5.    Fails to use tiering when tiering is applicable;
- 6           6.    Is in excess of the administrative body's authority;
- 7           7.    Appears to impose an unreasonable burden on government or small
- 8                 business, or both;
- 9           8.    Is filed as an emergency administrative regulation without adequate
- 10                justification of the emergency nature of the situation as described in
- 11                KRS 13A.190(1);
- 12           9.    Has not been noticed in conformance with the requirements of KRS
- 13                13A.270(3);
- 14           10.   Does not provide an adequate cost analysis pursuant to KRS 13A.250;{
- 15                or}
- 16           11.   *Was the subject of the subcommittee's instruction to an administrative*
- 17                *body to appear under subsection (4) of this section and the*
- 18                *administrative body failed to:*
- 19                *a.    Appear;*
- 20                *b.    Make a good faith effort to answer subcommittee questions; or*
- 21                *c.    Provide any information or data required by the subcommittee;*
- 22                *or*
- 23           *12.*   Appears to be deficient in any other manner;
- 24           (b)   That an administrative regulation is needed to implement an existing statute;
- 25                or
- 26           (c)   That an administrative regulation should be amended or repealed.
- 27           (3)   The subcommittee may *conduct an informational* review *of* an effective

1 administrative regulation or an administrative regulation filed with the  
 2 Commission if requested by a member of the subcommittee.

3 (4) (a) The subcommittee may require any administrative body to appear before it to  
 4 answer questions or submit data and information as required by the  
 5 subcommittee in the performance of its duties under this chapter, and no  
 6 administrative body shall fail to:

7 1. Appear before the subcommittee;

8 2. Make a good faith effort to answer subcommittee questions;

9 3. Provide any~~the~~ information or data required by the subcommittee; or

10 4. Perform any combination of subparagraphs 1., 2., and 3. of this  
 11 paragraph required by the subcommittee.

12 (b) Either co-chair of the subcommittee may require action by an  
 13 administrative body under paragraph (a) of this subsection on behalf of the  
 14 subcommittee.

15 (5) At least five (5) calendar days before an informational review of an ordinary  
 16 administrative regulation, the subcommittee shall notify the affected  
 17 administrative body.

18 ➔Section 3. KRS 13A.270 is amended to read as follows:

19 (1) (a) In addition to the public comment period required by paragraph (c) of this  
 20 subsection, following publication in the Administrative Register of the text of  
 21 an administrative regulation, the administrative body shall, unless authorized  
 22 to cancel the hearing pursuant to subsection (7) of this section, hold a hearing,  
 23 open to the public, on the administrative regulation.

24 (b) The public hearing for an:

25 1. Ordinary administrative regulation shall not be held before the twenty-  
 26 first day or after the last workday of the month following the month in  
 27 which the administrative regulation is published in the Administrative

1 Register; or

2 2. Emergency administrative regulation shall not be held before the  
3 twenty-first day or after the last workday of the month in which the  
4 administrative regulation is published in the Administrative Register.

5 Nothing in this paragraph shall preclude the administrative body from holding  
6 additional public hearings in addition to the hearing mandated in  
7 subparagraph 1. or 2. of this paragraph.

8 (c) The administrative body shall accept written comments regarding the  
9 administrative regulation during the comment period. The comment period  
10 shall begin on the date the administrative regulation is filed with the  
11 regulations compiler and:

12 1. For an ordinary administrative regulation, shall run until 11:59 p.m. on  
13 the last day of the calendar month following the month in which the  
14 administrative regulation was published in the Administrative Register;  
15 or

16 2. For an emergency administrative regulation, shall run until 11:59 p.m.  
17 on the last day of the calendar month in which the administrative  
18 regulation is published in the Administrative Register.

19 (2) Each administrative regulation shall state:

20 (a) The place, time, and date of the scheduled public hearing;

21 (b) The manner in which interested persons shall submit their:

22 1. Notification of attending the public hearing; and

23 2. Written comments;

24 (c) That notification of attending the public hearing shall be transmitted to the  
25 administrative body no later than five (5) workdays prior to the date of the  
26 scheduled public hearing;

27 (d) The deadline for submitting written comments regarding the administrative

1 regulation in accordance with subsection (1)(c) of this section; and

2 (e) The name, position, mailing address, email~~[e-mail]~~ address, and telephone  
3 and facsimile numbers of the person to whom a notification and written  
4 comments shall be transmitted.

5 (3) (a) A person who wishes to be notified that an administrative body has filed an  
6 administrative regulation shall:

7 1. Contact the administrative body by telephone or written letter to request  
8 that the administrative body send the information required by paragraph  
9 (c) or (d) of this subsection to the person; or

10 2. Complete an electronic registration form located on a centralized state  
11 government website~~[Web site]~~ developed and maintained by the  
12 Commonwealth Office of Technology.

13 (b) A registration submitted pursuant to paragraph (a) of this subsection shall:

14 1. Indicate whether the person wishes to receive notification regarding:

15 a. All administrative regulations promulgated by an administrative  
16 body; or

17 b. Each administrative regulation that relates to a specified subject  
18 area. The subject areas shall be provided by the administrative  
19 bodies and shall be listed on the centralized state government  
20 website~~[Web site]~~ in alphabetical order;

21 2. Include a request for the person to provide an email~~[e-mail]~~ address in  
22 order to receive regulatory information electronically;

23 3. Be valid for a period of four (4) years from the date the registration is  
24 submitted, or until the person submits a written request to be removed  
25 from the notification list, whichever occurs first; and

26 4. Be transmitted to the promulgating administrative body, if the  
27 registration was made through the centralized state government



1            website~~[Web site]~~. The collected email~~[e-mail]~~ addresses shall be used  
2            solely for the purposes of this subsection and shall not be sold,  
3            transferred, or otherwise made available to third parties, other than the  
4            promulgating administrative body.

5            (c) A copy of the administrative regulation as filed, and all attachments required  
6            by KRS 13A.230(1), shall be emailed~~[e-mailed]~~:

- 7            1. To every person who has:
  - 8            a. Registered pursuant to paragraph (a) of this subsection; and
  - 9            b. Provided an email~~[e-mail]~~ address as part of the registration  
10            request;
- 11           2. Within five (5) working days after the date the administrative regulation  
12           is filed with the Commission; and
- 13           3. With a request from the administrative body that affected individuals,  
14           businesses, or other entities submit written comments that identify the  
15           anticipated effects of the proposed administrative regulation.

16           (d) Within five (5) working days after the date the administrative regulation is  
17           filed with the Commission, the administrative body shall mail the following  
18           information to every person who has registered pursuant to paragraph (a) of  
19           this subsection but did not provide an email~~[e-mail]~~ address:

- 20           1. A cover letter from the administrative body requesting that affected  
21           individuals, businesses, or other entities submit written comments that  
22           identify the anticipated effects of the proposed administrative regulation;
- 23           2. A copy of the regulatory impact analysis required by KRS 13A.240  
24           completed in detail sufficient to put the individual on notice as to the  
25           specific contents of the administrative regulation, including all proposed  
26           amendments to the administrative regulation; and
- 27           3. A statement that a copy of the administrative regulation may be obtained

1 from the Commission's website~~[Web-site]~~, which can be accessed on-  
2 line through public libraries or any computer with internet access. The  
3 Commission's website~~[Web-site]~~ address shall be included in the  
4 statement.

5 (e) An administrative body shall not be required to send a copy of an  
6 administrative regulation that was amended after comments in accordance  
7 with KRS 13A.280 to persons who have registered pursuant to paragraph (a)  
8 of this subsection, unless the person requested a copy pursuant to KRS  
9 13A.280(8).

10 (4) (a) If small business may be impacted by an administrative regulation, the  
11 administrative body shall email~~[e-mail]~~ a copy of the administrative  
12 regulation as filed, and all attachments required by KRS 13A.230(1), to the  
13 chief executive officer of the Commission on Small Business Innovation and  
14 Advocacy within one (1) working day after the date the administrative  
15 regulation is filed with the Commission.

16 (b) The email~~[e-mail]~~ shall include a request from the administrative body that  
17 the Commission on Small Business Innovation and Advocacy review the  
18 administrative regulation in accordance with KRS 11.202(1)(e) and submit its  
19 report or comments in accordance with the deadline established in subsection  
20 (1)(c) of this section. A copy of the report shall be filed with the regulations  
21 compiler.

22 (c) An administrative body shall not be required to send a copy of an  
23 administrative regulation that was amended after comments in accordance  
24 with KRS 13A.280 to the Commission on Small Business Innovation and  
25 Advocacy, unless its chief executive officer requested a copy pursuant to KRS  
26 13A.280(8).

27 (5) (a) If a local government may be impacted by an administrative regulation, the

1 administrative body shall send, by email~~[e-mail]~~ if the local government has  
2 an email~~[e-mail]~~ address, a copy of the administrative regulation as filed and  
3 all attachments required by KRS 13A.230(1) to each local government in the  
4 state within one (1) working day after the date the administrative regulation is  
5 filed with the Commission. If the local government does not have an email~~[e-~~  
6 ~~mail]~~ address, the material shall not be sent.

7 (b) The email~~[e-mail]~~ shall include a request from the administrative body that  
8 the local government review the administrative regulation in the same manner  
9 as would the Commission on Small Business Innovation and Advocacy under  
10 KRS 11.202(1)(e), and submit its report or comments in accordance with the  
11 deadline established in subsection (1)(c) of this section. A copy of the report  
12 or comments shall be filed with the regulations compiler.

13 (c) An administrative body shall not be required to send a copy of an  
14 administrative regulation that was amended after comments in accordance  
15 with KRS 13A.280 to a local government, unless its contact person requested  
16 a copy pursuant to KRS 13A.280(8).

17 (6) Persons desiring to be heard at the hearing shall notify the administrative body in  
18 writing as to their desire to appear and testify at the hearing not less than five (5)  
19 workdays before the scheduled date of the hearing.

20 (7) The administrative body shall immediately notify the regulations compiler by letter  
21 if:

22 (a) No written notice of intent to attend the public hearing is received by the  
23 administrative body at least five (5) workdays before the scheduled hearing,  
24 and it chooses to cancel the public hearing; and

25 (b) No written comments have been received by the close of the last day of the  
26 public comment period.

27 (8) (a) 1. Upon receipt from interested persons of their intent to attend a public

- 1 hearing, the administrative body shall notify the regulations compiler by  
2 letter that the public hearing shall be held.
- 3 2. If the public hearing is held but no comments are received during the  
4 hearing, the administrative body shall notify the regulations compiler by  
5 letter that the public hearing was held and that no comments were  
6 received.
- 7 (b) Upon receipt of written comments, the administrative body shall notify the  
8 regulations compiler by letter that written comments have been received.
- 9 (9) (a) If the notifications required by subsections (7) and (8) of this section are not  
10 received by the regulations compiler by close of business on the second  
11 workday of the calendar month following the end of the public comment  
12 period, the administrative regulation shall be deferred to the next regularly  
13 scheduled meeting of the subcommittee.
- 14 (b) A filed administrative regulation that is deferred under this subsection due  
15 to failure to timely notify the regulations compiler may still be placed on the  
16 subcommittee's agenda for informational review pursuant to subsection (3)  
17 or (4) of Section 2 of this Act.
- 18 (c) If a filed administrative regulation is placed on the agenda pursuant to  
19 paragraph (b) of this subsection, the full review of the filed administrative  
20 regulation shall still be deferred in accordance with this subsection.
- 21 (10) The notifications required by subsections (7) and (8) of this section shall be made  
22 by letter. The letter may be sent by email~~[e-mail]~~ if the administrative body uses an  
23 electronic signature and letterhead for the emailed~~[e-mailed]~~ document.
- 24 (11) Every hearing shall be conducted in such a manner as to guarantee each person who  
25 wishes to offer comment a fair and reasonable opportunity to do so, whether or not  
26 such person has given the notice contemplated by subsection (6) of this section. No  
27 transcript need be taken of the hearing, unless a written request for a transcript is

1 made, in which case the person requesting the transcript shall have the  
2 responsibility of paying for same. A recording may be made in lieu of a transcript  
3 under the same terms and conditions as a transcript. This section shall not preclude  
4 an administrative body from making a transcript or making a recording if it so  
5 desires.

6 (12) Nothing in this section shall be construed as requiring a separate hearing on each  
7 administrative regulation. Administrative regulations may be grouped at the  
8 convenience of the administrative body for purposes of hearings required by this  
9 section.

10 ➔Section 4. KRS 13A.280 is amended to read as follows:

11 (1) Following the last day of the comment period, the administrative body shall give  
12 consideration to all comments received at the public hearing and all written  
13 comments received during the comment period, including:

14 (a) Any report filed by the Commission on Small Business Innovation and  
15 Advocacy in accordance with KRS 11.202(1)(e) and 13A.270(4), or by a local  
16 government in accordance with KRS 11.202(1)(e) and 13A.270(5); and

17 (b) Any comments regarding the administrative regulation's major economic  
18 impact, as defined in KRS 13A.010, as submitted by agencies, local  
19 governments, or regulated entities.

20 (2) (a) Except as provided in paragraph (b) of this subsection, the administrative  
21 body shall file with the commission on or before 12 noon, eastern time, on the  
22 fifteenth day of the calendar month following the end of the public comment  
23 period the statement of consideration relating to the administrative regulation  
24 and, if applicable, the amended after comments version.

25 (b) If the administrative body has received a significant number of public  
26 comments:

27 1. It may extend the time for filing the statement of consideration for an

- 1 ordinary administrative regulation and, if applicable, the amended after  
2 comments version by notifying the regulations compiler in writing on or  
3 before 12 noon, eastern time, on the fifteenth day of the calendar month  
4 following the end of the public comment period; and
- 5 2. The administrative body shall file the statement of consideration for an  
6 ordinary administrative regulation and, if applicable, the amended after  
7 comments version, with the Commission on or before 12 noon, eastern  
8 time, no later than the fifteenth day of the second calendar month  
9 following the end of the public comment period.
- 10 (3) (a) If the administrative regulation is amended as a result of the hearing or written  
11 comments received, the administrative body shall forward the items specified  
12 in this paragraph to the regulations compiler by 12 noon, eastern time, on the  
13 applicable deadline specified in subsection (2) of this section:
- 14 1. The original and five (5) copies of the administrative regulation  
15 indicating any amendments resulting from comments received at the  
16 public hearing and during the comment period. The amendments shall  
17 be indicated in:
- 18 a. The original wording for an ordinary administrative regulation; or  
19 b. The wording of an emergency administrative regulation as  
20 amended, for an emergency administrative regulation that was  
21 amended at a legislative committee meeting pursuant to KRS  
22 13A.190(3);
- 23 2. The original and five (5) copies of the statement of consideration as  
24 required by subsection (2) of this section, attached to the back of the  
25 original and each copy of the administrative regulation; and
- 26 3. The regulatory impact analysis, tiering statement, federal mandate  
27 comparison, or fiscal note on local government. These documents shall

1 reflect changes resulting from amendments made after the public  
2 hearing.

3 (b) The original and four (4) copies of the amended after comments version, the  
4 statement of consideration, and the attachments required by paragraph (a)3. of  
5 this subsection shall be stapled in the top left corner. The fifth copy shall not  
6 be stapled.

7 (c) At the same time as, or prior to, filing the paper version, the administrative  
8 body shall file an electronic version of the amended after comments version,  
9 the statement of consideration, and the required attachments saved as a single  
10 document for each amended after comments administrative regulation in an  
11 electronic format approved by the regulations compiler.

12 (4) (a) If the administrative regulation is not amended as a result of the public  
13 hearing, or written comments received, the administrative body shall file the  
14 original and five (5) copies of the statement of consideration with the  
15 regulations compiler by 12 noon, eastern time, on the deadline established in  
16 subsection (2) of this section. The original and four (4) copies of the statement  
17 of consideration shall be stapled in the top left corner. The fifth copy of each  
18 statement of consideration shall not be stapled.

19 (b) If the statement of consideration covers multiple administrative regulations, as  
20 authorized by subsection (6)(g)1. of this section, the administrative body shall  
21 file with the regulations compiler:

- 22 1. The original and five (5) copies of the statement of consideration as  
23 required by paragraph (a) of this subsection; and
- 24 2. Two (2) additional unstapled copies of the statement of consideration for  
25 each additional administrative regulation included in the group of  
26 administrative regulations.

27 (c) At the same time as, or prior to, filing the paper version, the administrative

1 body shall file an electronic version of the statement of consideration saved as  
2 a single document for each statement of consideration in an electronic format  
3 approved by the regulations compiler.

4 (5) (a) If comments are received either at the public hearing or during the public  
5 comment period, the administrative regulation shall be deferred to the next  
6 regularly scheduled meeting of the subcommittee following the month in  
7 which the statement of consideration is due.

8 (b) A filed administrative regulation that is deferred under this subsection due  
9 to receipt of public comments may still be placed on the subcommittee's  
10 agenda for informational review pursuant to subsection (3) or (4) of Section  
11 2 of this Act.

12 (c) If a filed administrative regulation is placed on the agenda pursuant to  
13 paragraph (a) of this subsection, the full review of the filed administrative  
14 regulation shall still be deferred in accordance with this subsection.

15 (6) The format for the statement of consideration shall be as follows:

16 (a) The statement shall be typewritten on white paper, size eight and one-half (8-  
17 1/2) by eleven (11) inches. Copies of the statement may be mechanically  
18 reproduced;

19 (b) The first page of the statement of consideration shall have a two (2) inch top  
20 margin;

21 (c) The heading of the statement shall consist of the words "STATEMENT OF  
22 CONSIDERATION RELATING TO" followed by the number of the  
23 administrative regulation that was the subject of the public hearing and  
24 comment period and the name of the promulgating administrative body. The  
25 heading shall be centered. This shall be followed by the words "Not Amended  
26 After Comments," "Emergency Not Amended After Comments," "Amended  
27 After Comments," or "Emergency Amended After Comments," whichever is



1 applicable;

2 (d) If a hearing has been held or written comments received, the heading is to be  
3 followed by:

4 1. A statement setting out the date, time and place of the hearing, if the  
5 hearing was held;

6 2. A list of those persons who attended the hearing or who submitted  
7 comments and the organization, agency, or other entity represented, if  
8 applicable; and

9 3. The name and title of the representative of the promulgating  
10 administrative body;

11 (e) Following the general information, the promulgating administrative body  
12 shall summarize the comments received at the public hearing and during the  
13 comment period and the response of the promulgating administrative body.  
14 Each subject commented upon shall be summarized in a separate numbered  
15 paragraph. Each numbered paragraph shall contain two (2) subsections:

16 1. Subsection (a) shall be labeled "Comment," shall identify the name of  
17 the person, and the organization represented if applicable, who made the  
18 comment, and shall contain a summary of the comment; and

19 2. Subsection (b) shall be labeled "Response" and shall contain the  
20 response to the comment by the promulgating administrative body;

21 (f) Following the summary and comments, the promulgating administrative body  
22 shall:

23 1. Summarize the statement and the action taken by the administrative  
24 body as a result of comments received at the public hearing and during  
25 the comment period; and

26 2. If amended after the comment period, list the changes made to the  
27 administrative regulation in the format prescribed by KRS

1 13A.320(2)(c) and (d); and

2 (g) 1. If administrative regulations were considered as a group at a public  
3 hearing, one (1) statement of consideration may include the group of  
4 administrative regulations. If a comment relates to one (1) or more of  
5 the administrative regulations in the group, the summary of the  
6 comment and response shall specify each administrative regulation to  
7 which it applies.

8 2. Emergency administrative regulations shall be in a separate statement of  
9 consideration from ordinary administrative regulations.

10 (7) If the administrative regulation is amended pursuant to subsection (3) of this  
11 section, the full text of the administrative regulation shall be published in the  
12 Administrative Register. The changes made to the administrative regulation shall be  
13 typed in bold and made in the format prescribed by KRS 13A.222(2). The  
14 administrative regulation shall be reviewed by the Administrative Regulation  
15 Review Subcommittee after such publication.

16 (8) If requested, copies of the statement of consideration and, if applicable, the  
17 amended after comments version of the administrative regulation shall be made  
18 available by the promulgating administrative body to persons attending the hearing  
19 or submitting comments or who specifically request a copy from the administrative  
20 body.

21 ➔Section 5. KRS 13A.290 is amended to read as follows:

22 (1) (a) Except as provided by KRS 158.6471 and 158.6472, the Administrative  
23 Regulation Review Subcommittee shall meet monthly to review  
24 administrative regulations prior to close of business on the fifteenth day of the  
25 calendar month.

26 (b) The agenda shall:

27 1. Include each administrative regulation that completed the public

- 1 comment process;
- 2 2. Include each administrative regulation for which a statement of
- 3 consideration was received on or before 12 noon, eastern time, on the
- 4 fifteenth day of the prior calendar month;
- 5 3. Include each effective administrative regulation or administrative
- 6 regulation filed with the Commission that the subcommittee has
- 7 decided to review pursuant to subsection (3) of Section 2 of this Act;
- 8 4. Include each administrative regulation required to be on the agenda
- 9 pursuant to subsection (4) of Section 2 of this Act;
- 10 5. Include each administrative regulation that was deferred from the prior
- 11 month's meeting of the subcommittee; and
- 12 6.~~5.~~ Not include an administrative regulation that is deferred, withdrawn,
- 13 expired, or automatically taken off the agenda under the provisions of
- 14 this chapter, unless it is being reviewed pursuant to subsection (3) or
- 15 (4) of Section 2 of this Act.
- 16 (c) Review of an administrative regulation shall include the entire administrative
- 17 regulation and all attachments filed with the administrative regulation. The
- 18 review of amendments to existing administrative regulations shall not be
- 19 limited to only the changes proposed by the promulgating administrative
- 20 body.
- 21 (2) The meetings shall be open to the public.
- 22 (3) Public notice of the time, date, and place of the Administrative Regulation Review
- 23 Subcommittee meeting shall be given in the Administrative Register.
- 24 (4) (a) A representative of the administrative body for an administrative regulation
- 25 on the agenda~~[under consideration]~~ shall be present to explain the
- 26 administrative regulation and to answer questions thereon.
- 27 (b) If a representative of an~~the~~ administrative body with authority to amend,

1            *defer, and answer questions about* a filed administrative regulation *that is on*  
 2            *the agenda for full review fails to appear before*~~[is not present at the~~  
 3            ~~subcommittee meeting, the administrative regulation shall be deferred to the~~  
 4            ~~next regularly scheduled meeting of]~~ the subcommittee, *the subcommittee*  
 5            *may:*

6            *1. Defer the administrative regulation to the next regularly scheduled*  
 7            *meeting of the subcommittee; and*

8            *2. Make a determination pursuant to subsections (2), (3), and (4) of*  
 9            *Section 2 of this Act or KRS 13A.190(3).*

10            (c) If a representative of an administrative body *with authority to defer and*  
 11            *answer questions about an*~~[for an effective]~~ administrative regulation *that*  
 12            *was placed on the agenda for informational review pursuant to subsection*  
 13            *(3) or (4) of Section 2 of this Act* fails to appear before the subcommittee, the  
 14            subcommittee may:

15            1. Defer the *informational review of the* administrative regulation to the  
 16            next regularly scheduled meeting of the subcommittee; *and*~~[or]~~

17            2. Make a determination pursuant to KRS 13A.030(2), (3), and (4), or KRS  
 18            13A.190(3).

19            (5) Following the meeting and before the next regularly scheduled meeting of the  
 20            Commission, the Administrative Regulation Review Subcommittee shall forward to  
 21            the Commission its findings, recommendations, or other comments it deems  
 22            appropriate in writing.~~[The Administrative Regulation Review Subcommittee shall~~  
 23            ~~also forward to the Commission its findings, recommendations, or other comments~~  
 24            ~~it deems appropriate on an effective administrative regulation it has reviewed.]~~ The  
 25            Administrative Regulation Review Subcommittee's findings shall be published in  
 26            the Administrative Register.

27            (6) (a) After review by the Administrative Regulation Review Subcommittee, the

1 Commission shall, on the first Wednesday of the following month, or if the  
2 first Wednesday is a legal holiday, the next workday of the month:~~[,]~~

3 1. Assign a filed administrative regulation to a legislative committee with  
4 subject matter jurisdiction *if the administrative regulation was on the*  
5 *agenda for full review pursuant to subsection (1)(b)1., 2., or 5. of this*  
6 *section; and*

7 2. *Not assign a filed administrative regulation to a legislative committee*  
8 *with subject matter jurisdiction if the administrative regulation was*  
9 *solely on the agenda for informational review pursuant to subsection*  
10 *(3) or (4) of Section 2 of this Act.*

11 (b) Upon notification of the assignment by the Commission, the legislative  
12 committee to which the administrative regulation is assigned shall notify the  
13 regulations compiler:

14 1. Of the date, time, and place of the meeting at which it will consider the  
15 administrative regulation; or

16 2. That it will not meet to consider the administrative regulation.

17 (7) (a) Within ninety (90) days of the assignment, the legislative committee may hold  
18 a public meeting during which the administrative regulation shall be  
19 reviewed.

20 (b) If the ninetieth day of the assignment falls on a Saturday, Sunday, or holiday,  
21 the deadline for review shall be the workday following the Saturday, Sunday,  
22 or holiday.

23 (c) 1. If the administrative regulation is assigned to an interim joint committee  
24 and a session of the General Assembly begins during the review period,  
25 the assignment shall transfer to the Senate and House standing  
26 committees with subject matter jurisdiction.

27 2. If the administrative regulation is assigned to Senate and House standing

1 committees and a session of the General Assembly adjourns sine die  
2 during the review period, the assignment shall transfer to the interim  
3 joint committee with subject matter jurisdiction.

4 3. An administrative regulation may be transferred more than one (1) time  
5 under this paragraph. A transfer shall not extend the review period  
6 established by this subsection.

7 (d) Notice of the time, date, and place of the meeting shall be placed in the  
8 legislative calendar.

9 (8) Except as provided in subsection (9) of this section, a legislative committee shall be  
10 empowered to make the same determinations and to exercise the same authority as  
11 the Administrative Regulation Review Subcommittee, **including all powers and**  
12 **restrictions relating to informational reviews conducted under subsection (3) or**  
13 **(4) of Section 2 of this Act.**

14 (9) (a) This subsection shall apply to administrative regulations filed with the  
15 Commission **and reviewed pursuant to subsection (7) of this section.**

16 (b) A majority of the entire membership of the legislative committee shall  
17 constitute a quorum for purposes of reviewing administrative regulations.

18 (c) In order to amend an administrative regulation pursuant to KRS 13A.320,  
19 defer an administrative regulation pursuant to KRS 13A.300, or find an  
20 administrative regulation deficient pursuant to KRS 13A.030(2), (3), or (4) or  
21 13A.190(3), the motion to amend, defer, or find deficient shall be approved by  
22 a majority of the entire membership of the legislative committee.  
23 Additionally, during a session of the General Assembly, standing committees  
24 of the Senate and House of Representatives shall agree in order to amend an  
25 administrative regulation, defer an administrative regulation, or find an  
26 administrative regulation deficient by:

27 1. Meeting separately; or

- 1           2. Meeting jointly. If the standing committees meet jointly, it shall require  
2           a majority vote of Senate members voting and a majority of House  
3           members voting, as well as the majority vote of the entire membership  
4           of the standing committees meeting jointly, in order to take action on the  
5           administrative regulation.
- 6 (10) (a) The quorum requirements of subsection (9)(b) of this section shall apply to an  
7           effective or filed administrative regulation that is under informational review  
8           by a legislative committee pursuant to subsection (3) or (4) of Section 2 of  
9           this Act and subsection (8) of this section.
- 10          (b) A motion to defer the informational review of an~~find an effective~~  
11          administrative regulation or find the administrative regulation deficient shall  
12          be approved by:
- 13           1. A majority of the entire membership of the Administrative Regulation  
14           Review Subcommittee; or
- 15           2. A legislative committee in accordance with subsection (9)(c) of this  
16           section.
- 17 (11) (a) Upon adjournment of the meeting at which a legislative committee has  
18          considered an administrative regulation pursuant to subsection (7) or (10) of  
19          this section, the legislative committee shall inform the regulations compiler of  
20          its findings, recommendations, or other action taken on the administrative  
21          regulation.
- 22          (b) Following the meeting and before the next regularly scheduled meeting of the  
23          Commission, the legislative committee shall forward to the Commission its  
24          findings, recommendations, or other comments it deems appropriate in  
25          writing. The legislative committee's findings shall be published in the  
26          Administrative Register.
- 27          ➔Section 6. KRS 13A.300 is amended to read as follows:

- 1 (1) The administrative body that promulgated an administrative regulation may request  
2 that consideration of the administrative regulation be deferred by a legislative  
3 committee.
- 4 (2) The deferral of an administrative regulation scheduled for *full* review by the  
5 Administrative Regulation Review Subcommittee pursuant to subsection (1)(b)1.,  
6 2., or 5. of Section 5 of this Act shall be governed by KRS 13A.020(4) and the  
7 following:
- 8 (a) A request for deferral of an ordinary administrative regulation filed with the  
9 Commission shall be automatically granted if:
- 10 1. The administrative body submits a written letter to the regulations  
11 compiler; and
- 12 2. The letter is received by 12 noon, eastern time, at least five (5)  
13 calendar days prior to the subcommittee meeting;
- 14 (b) A request for deferral of an ~~effective administrative regulation or an~~  
15 emergency administrative regulation may be granted if:
- 16 1. The administrative body submits a written letter to the regulations  
17 compiler;
- 18 2. The letter is received prior to the subcommittee meeting; and
- 19 3. Approved by the co-chairs of the Administrative Regulation Review  
20 Subcommittee;
- 21 (c) A request for deferral may be granted at the discretion of the subcommittee if  
22 the request is made by the administrative body orally at a meeting of the  
23 subcommittee;
- 24 (d) The subcommittee may request that consideration of an administrative  
25 regulation be deferred by the promulgating administrative body. Upon receipt  
26 of the request, the promulgating administrative body may agree to defer  
27 consideration of the administrative regulation;



1 (e) Except as provided in paragraph ~~(g)~~~~(f)~~ of this subsection, an administrative  
 2 regulation that has been deferred **for full review** shall be placed on the agenda  
 3 of the next scheduled meeting of the subcommittee. ~~It is an administrative~~  
 4 ~~regulation filed with the Commission.~~ The subcommittee shall consider the  
 5 administrative regulation as if it had met all other requirements of filing.  
 6 Repromulgation shall not be required in those cases; ~~and~~

7 (f) **1. A filed administrative regulation deferred under this subsection may**  
 8 **still be placed on the agenda pursuant to subsection (3) or (4) of**  
 9 **Section 2 of this Act for informational review.**

10 **2. If a filed administrative regulation is placed on the agenda pursuant to**  
 11 **subparagraph 1. of this paragraph, the full review of the filed**  
 12 **administrative regulation shall still be deferred in accordance with this**  
 13 **subsection; and**

14 (g) An administrative regulation shall not be deferred under this subsection more  
 15 than twelve (12) times.

16 (3)~~(a)~~ The deferral of **an informational review for an**~~a filed ordinary~~  
 17 administrative regulation **scheduled by the Administrative Regulation Review**  
 18 **Subcommittee pursuant to subsection (1)(b)3. or 4. of Section 5 of this**  
 19 **Act**~~referred to a second legislative committee or committees pursuant to KRS~~  
 20 ~~13A.290(6) and (7)~~ shall be governed by **KRS 13A.020(4) and the following:**~~this~~  
 21 subsection and the voting requirements of KRS ~~13A.290(9).~~

22 (a)~~(b)~~ ~~1.~~ A request **to defer an informational review for an administrative**  
 23 **regulation that was placed on the subcommittee's agenda may be**~~for~~  
 24 ~~deferral shall be automatically~~ granted if:

25 **1.**~~a.~~ The administrative body submits a written letter to the regulations  
 26 compiler; ~~and~~

27 **2.**~~b.~~ The letter is received prior to the **subcommittee**~~legislative committee~~

1 meeting; and

2 **3. Approved by the co-chairs of the Administrative Regulation Review**  
 3 **Subcommittee;**

4 ~~(b)[2.]~~ A request for deferral may be granted at the discretion of the  
 5 ~~subcommittee~~~~[second legislative committee]~~ if the request is made by the  
 6 administrative body orally at a meeting of the ~~subcommittee~~~~[legislative~~  
 7 ~~committee]~~; and

8 ~~[3. The legislative committee may request that consideration of an~~  
 9 ~~administrative regulation be deferred by the promulgating administrative~~  
 10 ~~body. Upon receipt of the request, the promulgating administrative body~~  
 11 ~~may agree to defer consideration of the administrative regulation.]~~

12 (c)~~[1.]~~ An **informational review for an** administrative regulation that is  
 13 deferred may be placed on ~~the~~~~[a subsequent]~~ agenda of the **next scheduled**  
 14 **meeting of the subcommittee**~~[legislative committee or committees within the~~  
 15 ~~review period.]~~

16 ~~2. If a filed ordinary administrative regulation that has been deferred is not~~  
 17 ~~placed on a subsequent agenda within the review period, the~~  
 18 ~~administrative regulation shall take effect at the expiration of the review~~  
 19 ~~period].~~

20 (4) (a) The deferral of **a filed ordinary or emergency**~~[an effective]~~ administrative  
 21 regulation **assigned to a second**~~[or an emergency administrative regulation~~  
 22 ~~under review by a]~~ legislative committee **or committees for full review**  
 23 **pursuant to subsections (6) and (7) of Section 5 of this Act** shall be governed  
 24 by this subsection and the voting requirements of KRS 13A.290(9).

25 (b) A request for deferral may be granted if:

26 1. The administrative body submits a written letter to the regulations  
 27 compiler;

- 1           2. The letter is received:
- 2           a. Prior to the legislative committee meeting for an emergency
- 3                                   administrative regulation; or
- 4           b. By 12 noon, eastern time, at least five (5) calendar days prior to
- 5                                   the legislative committee meeting for an ordinary administrative
- 6                                   regulation; and
- 7           3. Approved by the presiding chair or chairs.
- 8           (c) A request for deferral may be granted at the discretion of the second
- 9           legislative committee if the request is made by the administrative body orally
- 10           at a meeting of the legislative committee.
- 11           (d) 1. At a meeting of a legislative committee, the legislative committee may
- 12                                   request that consideration of an administrative regulation be deferred by
- 13                                   the administrative body. Upon receipt of the request, the administrative
- 14                                   body may agree to defer consideration of the administrative regulation.
- 15           ~~2.(e)~~ An administrative regulation that is deferred for full review may
- 16                                   be placed on a subsequent agenda of the legislative committee or
- 17                                   committees within the review period.
- 18           3. If a filed ordinary administrative regulation that has been deferred for
- 19                                   full review is not placed on a subsequent agenda within the review
- 20                                   period, the administrative regulation shall take effect at the expiration
- 21                                   of the review period.
- 22           (e) 1. A filed administrative regulation deferred under this subsection may
- 23                                   still be placed on the agenda for informational review pursuant to
- 24                                   subsection (3) or (4) of Section 2 of this Act and subsection (8) of
- 25                                   Section 5 of this Act; and
- 26           2. If a filed administrative regulation is placed on the agenda pursuant to
- 27                                   subparagraph 1. of this paragraph, the full review of the filed

1                   administrative regulation may be scheduled by the legislative  
 2                   committee at a subsequent meeting during the ninety (90) day review  
 3                   period.

4 (5) The deferral of an informational review for an administrative regulation  
 5 scheduled by a legislative committee pursuant to subsection (3) or (4) of Section 2  
 6 of this Act and subsection (8) of Section 5 of this Act shall be governed by this  
 7 subsection and the voting requirements of subsection (9) of Section 5 of this Act.

8 (a) A request to defer an informational review for an administrative regulation  
 9 that was placed on the legislative committee's agenda may be granted if:

10                   1. The administrative body submits a written letter to the regulations  
 11                   compiler;

12                   2. The letter is received prior to the legislative committee meeting; and

13                   3. Approved by the presiding chair or chairs.

14 (b) A request for deferral of an informational review for an administrative  
 15 regulation may be granted at the discretion of the legislative committee if  
 16 the request is made by the administrative body orally at a meeting of the  
 17 legislative committee.

18 (c) An informational review for an administrative regulation that is deferred  
 19 may be placed on a subsequent agenda of the legislative committee.

20 (6) Except as provided by KRS 13A.290(4), if a representative of an administrative  
 21 body with authority to amend, defer, and answer questions about a filed~~[whose]~~  
 22 administrative regulation that is on the agenda~~[is scheduled]~~ for full review fails to  
 23 appear before a legislative committee, the legislative committee in conformance  
 24 with KRS 13A.290(9) may:

25 (a) Defer the administrative regulation to a subsequent~~[the next regularly~~  
 26 ~~scheduled]~~ meeting of the legislative committee; and~~[or]~~

27 (b) Make a determination pursuant to KRS 13A.030(2), (3), and (4) or

1 13A.190(3).

2 **(7) If a representative of an administrative body with authority to defer and answer**  
 3 **questions about an administrative regulation that was placed on the agenda for**  
 4 **informational review pursuant to subsection (3) or (4) of Section 2 of this Act and**  
 5 **subsection (8) of Section 5 of this Act fails to appear before the legislative**  
 6 **committee, the legislative committee in conformance with subsection (9) of**  
 7 **Section 5 of this Act may:**

8 **(a) Defer the informational review for the administrative regulation to a**  
 9 **subsequent meeting of the legislative committee; and**

10 **(b) Make a determination pursuant to subsection (2), (3), and (4) of Section 2**  
 11 **of this Act or KRS 13A.190(3).**

12 ➔Section 7. KRS 13A.335 is amended to read as follows:

13 (1) (a) A filed administrative regulation found deficient by a legislative committee  
 14 shall not be considered deficient if:

15 1. A subsequent amendment of that administrative regulation is filed with  
 16 the Commission by the administrative body;

17 2. The legislative committee that found the administrative regulation  
 18 deficient approves a motion that the subsequent amendment corrects the  
 19 deficiency; and

20 3. **The administrative regulation is not found deficient by any other**  
 21 **legislative committee that reviews the administrative regulation under**  
 22 **the provisions of KRS Chapter 13A[ finds that the administrative**  
 23 **regulation is not deficient].**

24 (b) A filed administrative regulation found deficient by the Administrative  
 25 Regulation Review Subcommittee shall not be considered deficient if:

26 1. The administrative regulation is amended to correct the deficiency at a  
 27 meeting of the legislative committee to which it was assigned by the

- 1 Commission;
- 2 2. That legislative committee does not determine that the administrative  
3 regulation is deficient for any other reason; and
- 4 3. The Administrative Regulation Review Subcommittee approves a  
5 motion that the deficiency has been corrected and that the administrative  
6 regulation should not be considered deficient.
- 7 (c) A filed administrative regulation found deficient by a legislative committee~~]~~  
8 ~~with subject matter jurisdiction]~~ shall not be considered deficient if the  
9 legislative committee:
- 10 1. Reconsiders the administrative regulation and its finding of deficiency;  
11 and
- 12 2. Approves a motion that the administrative regulation is not deficient.
- 13 (d) If an amendment to an effective administrative regulation is going through the  
14 KRS Chapter 13A promulgation process and is found deficient by a  
15 legislative committee, the administrative regulation shall not be considered  
16 deficient if the:
- 17 1. Administrative regulation was found deficient due to the amendment;  
18 2. Promulgating administrative body has withdrawn the proposed  
19 amendment of the existing administrative regulation; and
- 20 3. Regulations compiler has not received the Governor's determination  
21 pursuant to KRS 13A.330.
- 22 (2) If an effective administrative regulation is found deficient by a legislative  
23 committee, the administrative regulation shall not be considered deficient if the  
24 legislative committee:
- 25 (a) Reconsiders the administrative regulation and its finding of deficiency; and  
26 (b) Approves a motion that the administrative regulation is not deficient.
- 27 (3) (a) If an administrative regulation has been found deficient by a legislative

1 committee, the regulations compiler shall add the following notice to the  
2 administrative regulation: "This administrative regulation was found deficient  
3 by the [name of legislative committee] on [date]." This notice shall be the last  
4 section of the administrative regulation.

5 (b) If an administrative regulation has been found deficient by a legislative  
6 committee, subsequent amendments of that administrative regulation filed  
7 with the Commission shall contain the notice provided in paragraph (a) of this  
8 subsection.

9 (c) If an administrative regulation that has been found deficient by a legislative  
10 committee has subsequently been determined not to be deficient under the  
11 provisions of this section, the regulations compiler shall delete the notice  
12 required by paragraph (a) of this subsection.

13 ➔Section 8. KRS 67.767 is amended to read as follows:

14 (1) (a) The Secretary of State shall prescribe a standard form or forms, through  
15 promulgation of an administrative regulation, which shall be accepted by all  
16 tax districts and shall allow for returns of net profits and gross receipts  
17 occupational license taxes by all business entities unless the tax district opts  
18 out from acceptance in accordance with subsection (2) of this section or is  
19 exempted under subsection (3) of this section. The Secretary shall also  
20 develop and update as necessary instructions or a set of instructions for  
21 business entities on the completion of the standard form or forms so that  
22 business entities have the current information necessary to ensure the proper  
23 payment of the tax to each tax district.

24 (b) The Secretary shall seek advice and comments on the development,  
25 amendment, and maintenance of the form or forms and instructions from an  
26 advisory committee chaired by the Secretary, or his or her designee, that is  
27 composed of a representative from the Kentucky Association of Counties, the

1 Kentucky League of Cities, the Kentucky Occupational License Association,  
2 the Kentucky School Boards Association, the Kentucky Society of Certified  
3 Public Accountants, urban-county governments, and consolidated local  
4 governments, and a representative of business entities appointed by the  
5 Secretary.

6 (c) During the development of the proposed initial form or forms, the Secretary  
7 of State shall report in writing to the Interim Joint Committee on Local  
8 Government on the progress of the development process. When the proposed  
9 administrative regulation is filed with the Legislative Research Commission  
10 pursuant to KRS Chapter 13A, the Secretary of State shall also submit a copy  
11 thereof, via regular or electronic mail, to the members of the Interim Joint  
12 Committee on Local Government or, if during a session of the General  
13 Assembly, to the members of the House Standing Committee on Local  
14 Government and the Senate Standing Committee on State and Local  
15 Government. The submission to the members shall include a note from the  
16 Secretary of State stating that the members may submit any comments  
17 regarding the proposed administrative regulation in accordance with the  
18 deadline established in KRS 13A.270(1)(c).

19 (d) Notwithstanding KRS 13A.290(6)(a), after **full** review by the Administrative  
20 Regulation Review Subcommittee, the Legislative Research Commission  
21 shall assign the administrative regulation to the Interim Joint Committee on  
22 Local Government for consideration or, if during a session of the General  
23 Assembly, to the House Standing Committee on Local Government and the  
24 Senate Standing Committee on State and Local Government.

25 (e) Once the standard form or forms are adopted or amended, the Secretary of  
26 State shall include the form or forms, instructions, and any updates on the  
27 one-stop business portal or another public **website**~~[Web site]~~ maintained by



1           that office along with information submitted to the Secretary of State pursuant  
2           to subsection (2) or (3) of this section. The form or forms and instructions  
3           shall be updated and maintained by the Secretary of State at no cost to the tax  
4           districts. No fee shall be levied against the public or businesses for accessing  
5           and downloading forms, instructions, or other information maintained by the  
6           Secretary of State under this section.

7       (2) After the form or forms are adopted under subsection (1) of this section but prior to  
8       July 1, 2017, a tax district may adopt the standard form or forms as its exclusive  
9       return form or forms, may accept the standard form or forms in addition to the tax  
10      district's own return form or forms, or may elect to opt out of accepting the standard  
11      form or forms through adoption of a written order by the tax district's governing  
12      body. If a tax district elects not to accept the standard form or forms, it shall  
13      forward the following information to the Secretary of State for inclusion on the one-  
14      stop business portal or another public website~~[Web site]~~ maintained by that office:

15      (a) A copy of the written order specifying that the tax district will not accept the  
16      standard form or forms within thirty (30) days of its adoption; and

17      (b) A copy of occupational license tax forms that the tax district accepts, any  
18      accompanying instructions, and any future amendments to those forms and  
19      instructions within thirty (30) days of any change.

20      (3) After July 1, 2017, a tax district shall either adopt the standard form or forms as its  
21      exclusive return form or forms or accept the standard form or forms in addition to  
22      the tax district's own return form or forms, unless:

23      (a) The tax district submits a written request approved by the tax district's  
24      governing body to the Secretary of State for an exemption based on  
25      documented information that acceptance of the form will impose an undue  
26      financial hardship on the tax district; and

27      (b) The Secretary of State approves the request for an exemption and obtains the

1 return form or forms that will be accepted by the tax district and any  
2 applicable instructions for inclusion on the one-stop business portal or another  
3 public website~~[Web site]~~ maintained by that office. In exercising his or her  
4 discretion to grant an exemption under this subsection, the Secretary of State  
5 may impose any reasonable terms and limitations upon the exemption.

6 (4) Upon receipt of an order pursuant to subsection (2) of this section or upon the  
7 issuance of an exemption under subsection (3) of this section, the Secretary of State  
8 shall provide notice to the Kentucky Society of Certified Public Accountants of the  
9 tax districts that have submitted a written order to opt out under subsection (2) of  
10 this section or that are granted an exemption under subsection (3) of this section.

11 (5) The Secretary of State shall, only upon the request of a tax district, include  
12 electronic links for the electronic filing of forms with the local tax district by no  
13 later than July 1, 2017.

14 (6) Nothing in this section or KRS 67.766 shall be interpreted to alter or preempt the  
15 requirements imposed by a tax district regarding deadlines, reporting, rates, or other  
16 legally imposed procedures regarding the imposition, administration, and collection  
17 of local occupational license taxes by a tax district. Nor shall the adoption or use of  
18 a standard form or forms developed under this section release the taxpayer from any  
19 liability or responsibility to the tax district for the correct payment of taxes,  
20 penalties, and any other obligations imposed by the tax district. This section and  
21 KRS 67.766 shall not be interpreted to authorize the collection of local tax revenues  
22 by the state government or any other agency of the state.

23 ➔Section 9. Whereas it is essential that the public and the General Assembly  
24 promptly receive the necessary information to make informed decisions about  
25 administrative regulations, an emergency is declared to exist, and this Act takes effect  
26 upon its passage and approval by the Governor or upon its otherwise becoming a law.