

Administrative Regulation Promulgation Process

The administrative regulation promulgation process may be shortened or lengthened, depending on circumstances. A pending regulation may also be withdrawn by the promulgating agency, thereby ending the process.

Begin the Process: File with LRC

An agency wishing to propose or amend an administrative regulation must file the proposal with the LRC Regulations Compiler. An agency can propose or amend an administrative regulation only if it has statutory authority to do so. Proposed or amended administrative regulations filed on or before noon on the 15th day of the month will be published in the next month's *Administrative Register of Kentucky*. Proposed or amended administrative regulations published in the *Administrative Register of Kentucky* are available at the LRC web site at <http://www.lrc.ky.gov/kar/frntpage.htm>

Public Involvement: Public Hearing and Comment Period

The promulgating agency must mail or e-mail copies of the proposed administrative regulation to anyone who requests them. A notification list of those wishing to receive copies of proposed administrative regulations is maintained by DOW. For more information on this list, please visit Kentucky's RegWatch website at <https://secure.kentucky.gov/regwatch/>

The promulgating agency must also hold a public hearing and conduct a public comment period. The public hearing must be held between the 21st and last day of the month following publication in the *Administrative Register of Kentucky*. The agency may cancel the hearing if no letter of intent to attend the hearing is received. The public comment period ends on the last day of the month following publication in the *Administrative Register of Kentucky*.

Considering Comments:

Comments from the public hearing and any written comments received during the public comment period are compiled into a Statement of Consideration. The Statement of Consideration contains a summary of all comments received and responses from the promulgating agency.

Within 15 days following the conclusion of the public comment period, the promulgating agency must file the Statement of Consideration and amendments resulting from the comments (if applicable) with the regulations compiler of the LRC. The promulgating agency may extend the filing date by up to 30 days (for a total of 45 days) if an extension is granted by the LRC in accordance with KRS Chapter 13A. If amendments are filed with the Statement of Consideration, the proposed administrative regulations are published again in the *Administrative Register of Kentucky*.

Committee Hearings:

The administrative regulation as amended after hearing, or the originally proposed administrative regulation if not amended, is then considered by two committees of the LRC: the Administrative Regulation Review Subcommittee and the House and Senate standing committees of appropriate jurisdiction as determined by the LRC. (A list of the legislators and committees can be obtained through the LRC web site at www.lrc.ky.gov/home.htm).

The committees meet monthly. The Administrative Regulation Review Subcommittee generally meets on the second Tuesday of the month, while the standing committees of

appropriate jurisdiction generally meet on the second Wednesday. Although the meetings are back to back, the administrative regulation is usually not on the agenda for the next day because of administrative action that must take place between the first and second committee meetings. The administrative regulation is usually considered by the second committee the following month.

The agendas for committee meetings can change up to the time of the meeting and an administrative regulation can be amended at either or both meetings. Please contact the LRC at 502-564-8100 before traveling to attend the meetings.

An administrative regulation becomes effective upon adjournment of the second committee if neither committee "attaches" the administrative regulation. If the second committee does not meet to consider the regulation, or if the second committee does not have a quorum, the administrative regulation goes into effect 30 days after being referred to the committee. An "attached" administrative regulation is one that the committee has determined does not meet statutory authority or legislative intent and therefore is "deficient" and wrongfully promulgated. If an administrative regulation is found deficient, a notice of deficiency is "attached" to the administrative regulation and sent to the governor. The governor then decides whether the administrative regulation should go into effect, whether the agency should amend the administrative regulation, or whether the agency should withdraw it. If the agency withdraws an administrative regulation, then all action stops. If the governor decides that the administrative regulation should go into effect despite the finding of deficiency, the administrative regulation goes into effect upon receipt of the governor's determination by the regulations compiler of the LRC.

Emergency Regulations:

The governor may promulgate an emergency administrative regulation which goes into effect after a Statement of Emergency is filed and signed by the governor. An emergency administrative regulation is effective for 170 days after the date it is published in the *Administrative Register of Kentucky*. If an agency wants the emergency administrative regulation to become permanent, then it must also promulgate the administrative regulation through the "ordinary" promulgation process provided by KRS Chapter 13A.

For more Information:

For more information regarding Kentucky Division of Water Regulations, please email water@ky.gov with "Regulations" in the subject line, or call the Division of Water at (502) 564-3410.