**13A.280 Statement of consideration -- Amendment -- Format -- Information required -- Publication.**

(1) Following the last day of the comment period, the administrative body shall give consideration to all comments received at the public hearing and during the comment period, including any report filed by the Commission on Small Business Advocacy in accordance with KRS 11.202(1)(e) and 13A.270(4), or by a government in accordance with KRS 11.202(1)(e) and 13A.270(5).

(2) (a) Except as provided in paragraph (b) of this subsection, the administrative body shall file with the commission on or before 12 noon, eastern time, on the fifteenth day of the calendar month following the month of publication the statement of consideration relating to the administrative regulation.

(b) If the administrative body has received a significant number of public comments, it may extend the time for filing the statement of consideration by notifying the regulations compiler in writing on or before 12 noon, eastern time, on the fifteenth day of the calendar month following the month of publication. The administrative body shall file the statement of consideration with the Commission on or before 12 noon, eastern time, no later than the fifteenth day of the second calendar month following the month of publication.

(3) (a) If the administrative regulation is amended as a result of the hearing or written or oral comments received, the administrative body shall forward the items specified in paragraph (b) of this subsection to the regulations compiler by 12 noon, eastern time, on the applicable deadline specified in subsection (2) of this section.

(b) 1. The original and five (5) copies of the administrative regulation indicating any amendments in the original wording resulting from comments received at the public hearing and during the comment period;

2. The original and five (5) copies of the statement of consideration as required by subsection (2) of this section, attached to the back of the original and each copy of the administrative regulation; and

3. The regulatory impact analysis, tiering statement, federal mandate comparison, or fiscal note on local government. These documents shall reflect changes resulting from amendments made after the public hearing.

(4) (a) If the administrative regulation is not amended as a result of the public hearing, or written or oral comments received, the administrative body shall file the original and five (5) copies of the statement of consideration with the regulations compiler by 12 noon, eastern time, on the deadline established in subsection (2) of this section.

(b) If comments are received either at the public hearing or during the public comment period, the administrative regulation shall be deferred to the next

regularly scheduled meeting of the subcommittee following the month in which the statement of consideration is due.

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

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

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

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

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

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

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

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

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

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

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

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

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

2. If amended after the comment period, list the changes made to the administrative regulation in the format prescribed by KRS 13A.320(2)(c) and (d); and

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

(6) If the administrative regulation is amended pursuant to subsection (3) of this section, the full text of the administrative regulation shall be published in the Administrative Register. The administrative regulation shall be reviewed by the Administrative Regulation Review Subcommittee after such publication.

(7) If requested, copies of the statement of consideration shall be made available by the promulgating administrative body to persons attending the hearing or submitting comments.

**Effective:** June 20, 2005

**History:** Amended 2005 Ky. Acts ch. 100, sec. 16, effective June 20, 2005. -- Amended 2004 Ky. Acts ch. 165, sec. 6, effective July 13, 2004. -- Amended 2003 Ky. Acts ch. 89, sec. 14, effective June 24, 2003. -- Amended 2000 Ky. Acts ch. 406, sec. 15, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 38, sec. 6, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 180, sec. 12, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 410, sec. 20, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 516, sec. 26, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 425, sec. 10, effective July 15, 1988. -- Created 1984 Ky. Acts ch. 417, sec. 28, effective April 13, 1984.