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Finding Kentucky Administrative Law

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Kentucky, like all states, governs not only through the legislature but through a dedicated group of administrative agencies who are charged with carrying out the will of the legislature and executive branch. Keeping up with agency rules and regulations does not have to take much time or effort. Thanks to a law passed in 1996 the Legislative Research Commission (LRC) maintains an up to date version of the Kentucky Administrative Regulations (KAR) and the updating service, the Administrative Register of Kentucky (ARK), on their web site.

Finding Current Regulations

Finding regulations in Kentucky is not a difficult task. The place to find current regulations in Kentucky is the KAR. This publication is published once a year by the LRC and is available in print at all law libraries (and many public libraries) as well as online at <http://www.lrc.state.ky.us/kar/frntpage.html>. While the print copy of the KAR is republished every August, the online version is updated monthly so that it is always current as of the 15th of the previous month.

The print version of the KAR has a basic index while the online version allows you to scan the titles of the KAR or do a simple keyword search of the entire publication. If you know which agency you are dealing with you can also visit the web site for the respective agency. Many Kentucky administrative agencies maintain their own web site which includes their respective regulations. The Commonwealth of Kentucky maintains a listing of all its agency's web sites at: <http://kentucky.gov/Portal/OrgList.aspx>.

Updating the KAR requires looking at the Administrative Register of Kentucky (ARK). The ARK is published in print each month and the most current issue is available online at <http://www.lrc.state.ky.us/kar/frntpage.htm>. In order to update a regulation found in the KAR the researcher simply goes to the most current issue of the ARK, turns (or scrolls down) to the Locator-Index which lists all KAR Sections that have been affected by any new regulations published in the ARK. It is as simple as that!

Keeping up with Proposed Regulations

Administrative agencies in Kentucky must publish not only their final regulations, but their proposed regulations as well. Chapter 13A of the Kentucky Revised Statutes governs how, when, and where administrative agencies may promulgate regulations. For anyone practicing administrative law in Kentucky it is imperative that they become familiar with these laws.

In order to properly advise one's clients it is necessary to stay on top of any new regulations that agencies may be considering. Diligent counsel should check the ARK each month. Published once a month, the ARK includes not only final regulations, but it also contains proposed administrative regulations, public hearing and comment period information, regulatory impact analysis and tiering statement, fiscal note, federal mandate comparison, and incorporated material information. Thus monitoring each issue of the ARK allows one to advise their client on any new regulations coming down the pipeline that may impact their client, as well as the opportunity to participate in the rule making process by attending public hearings or submitting comments to the agency.

As stated previously the newest issue of the ARK is available online at <http://www.lrc.state.ky.us/kar/frntpage.htm>, and print versions of the issues may be obtained at most law libraries throughout Kentucky.

Finding Older Versions of the KAR

Sometimes you need to track back and see what a regulation said at a specific point in time. Unfortunately the only version of the KAR available online from the LRC is the continually updated current version. The Chase College of Law Library has hard copies of the KAR dating back to its inception in 1974, and Westlaw has the KAR dating back to 2002.