

BILL SUMMARY
1st Session of the 58th Legislature

Bill No.:	SB913
Version:	Engrossed
Request Number:	
Author:	Rep. O'Donnell/ Sen. Daniels
Date:	3/23/2021
Impact:	See Below

Research Analysis

SB 913 modifies the procedure for the approval of agency rules. The measure allows the Legislature to repeal an agency rule by joint resolution and removes the Governor's authority to repeal agency rules by declaration. Agencies exempted from the procedures of the Administrative Procedures Act or pursuing a preemptive rule are directed by the measure to publish exempt rules on any website associated with the agency. Every agency is also directed to publish agency rules on the website associated with the agency. Additionally, the measure requires agencies to respond to small businesses requesting a review of their rules no later than 90 business days and to the Legislature or Governor within 30 days instead of the 90 days currently provided for in law.

The measure directs the Speaker of the House and President Pro Tempore of the Senate to establish a Joint Committee on Administrative Rules comprised of current members. The Joint Committee is to consider proposed rules, amended rules, and repeal requests submitted by an agency. Those rules approved by the Committee shall be presented to the Legislature for final approval for repeal. All Committee actions on items for consideration require a majority vote of both the Senate members and the House members of the Committee. Emergency rules must be sent to the chairs of the Joint Committee in addition to the other recipients outlined in current law.

The measure provides that no agency may adopt any proposed rule, amendment or revocation if the agency receives express written disapproval from the Governor or the cabinet secretary within 30 days of providing notice to the Governor and cabinet secretary. If the Governor or cabinet secretary does not disapprove within 30 days of notice of intent, the agency may proceed with the rulemaking process. If the Governor disapproves the rule, the Governor shall return the entire document to the agency and notice of such disapproval shall be given to the President Pro Tempore of the Senate, the Speaker of the House, and the chairs of the Joint Committee on Administrative Rules. Any rule not approved by the Governor pursuant to the provisions of this section shall not become effective unless otherwise approved by the Legislature by joint resolution.

The measure creates a procedure for the expedited repeal of rules beginning September 1, 2021. An agency may submit a request for expedited repeal to the President Pro Tempore of the Senate and the Speaker of the House, whereupon they will assign the request to the Joint Committee to conduct the repeal process. Such a request shall be accompanied by a statement of the purpose for the repeal. Upon completion of the comment period, the Joint Committee may schedule a hearing on the agency repeal request. If the Committee approves the repeal, it shall be presented to the Legislature for final approval.

Prepared By: Brad Wolgamott

Fiscal Analysis

SB 913 in its current form, modifies provisions related to the administrative rules process. The measure creates a legislative committee, the Joint Committee of Administrative Rules which is authorized to meet during the interim. Meetings during the interim would likely result in increased member travel reimbursement costs for the House of Representatives and the Senate, though, such costs on a year-to-year basis are expected to be minimal.

Prepared By: John McPhetridge

Other Considerations

None.