

Bill Summary
1st Session of the 58th Legislature

Bill No.:	SB 913
Version:	FS
Request No.:	1963
Author:	Sen. Daniels
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Bill Analysis

The FS for SB 913 provides for 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 also directs the President Pro Tempore of the Senate and Speaker of the House to establish a Joint Committee on Administrative Rules. Membership shall be comprised of current members. The chairs of the Joint Committee shall be appointed by both the President and Speaker. The Joint Committee shall consider proposed rules, amending 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 requires agencies providing notice of a new rule to provide 1 electronic copy to of the complete text of the proposed rule, amendment, or revocation and a copy of the notice to the Governor and to the appropriate cabinet secretary. The Governor or relevant cabinet secretary may disapprove the rule within 30 days. If the Governor or the cabinet secretary disapproves a rule, the affected agency shall be notified in writing of the reasons for disapproval. Agencies may proceed with the rulemaking process if the Governor or secretary does not expressly disapprove the rule within 30 days of receiving notice.

The measure also creates a new section of law in the Act by providing 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.

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