

Bill Summary
1st Session of the 58th Legislature

Bill No.:	SB 928
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Request No.:	1213
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Bill Analysis

SB 928 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 Joint Committee may suspend the rule pending legislative review of the proposed rule and shall send notice of the suspension to the Governor, President Pro Tempore of the Senate, and Speaker of the House within 3 business days. Additionally, an agency adopting a rule must attach a notarized statement executed by the agency director affirming the legal authority to promulgate the rule and a statement of whether the subject of the proposed rule or rules has been included in any filed bill of the Legislature within the last 2 regular legislative sessions.

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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