

HCS HB 697 -- STATE AGENCY ADMINISTRATIVE RULES

SPONSOR: McNary (Smith, 150)

COMMITTEE ACTION: Voted "do pass" by the Committee on Downsizing State Government by a vote of 9 to 5.

This substitute specifies that any administrative rules filed by a state agency on or after August 28, 2011, must automatically terminate six years after its effective date. Any rule in effect on August 28, 2011, will expire as follows:

(1) Rules which became effective on or before December 31, 1989, will expire June 30, 2015;

(2) Rules which became effective between January 1, 1990, and December 31, 1995, will expire June 30, 2016;

(3) Rules which became effective between January 1, 1996, and December 31, 2000, will expire June 30, 2017;

(4) Rules which became effective between January 1, 2001, and December 31, 2005, will expire June 30, 2018;

(5) Rules which became effective between January 1, 2006, and December 31, 2007, will expire June 30, 2019; and

(6) Rules which became effective between January 1, 2008, and August 28, 2011, including all rules filed but not yet effective as of August 28, 2011, will expire June 30, 2020.

If an agency wants to continue the effectiveness of a rule beyond its scheduled termination date, the agency must re-establish the rule.

For each rule re-established under the provisions of the substitute, the agency must review the rule to determine whether the entire rule should continue without changes, be amended, or be rescinded; whether the rule needs to be amended or rescinded to reduce regulatory burdens on business or to eliminate unnecessary paperwork; and whether the rule duplicates, overlaps with, or conflicts with other rules or statutes. The agency must consider the continued need for the rule, any complaints or comments concerning the rule, and any relevant factors that have changed in the subject matter affected by the rule.

The Joint Committee on Administrative Rules must provide a report on a semi-annual basis to state departments and the Secretary of State and must post the information on its web site detailing which rules are scheduled to terminate within two years of the

date of the report. In no event must the inclusion or noninclusion of a rule in a report affect the scheduled termination date of a rule. The state agency with authority to establish a rule must ultimately remain responsible for monitoring the effectiveness of its rules.

FISCAL NOTE: No impact on state funds in FY 2012, FY 2013, and FY 2014.

PROPOSERS: Supporters say that the bill will help make government more effective by removing obsolete rules.

Testifying for the bill was Representative Smith (150).

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say that the goal of the bill is an excellent idea and will give departments a more direct role in removing obsolete rules. The bill should include a way to remove rules that were proposed prior to August 28, 2011.

Testifying on the bill was Office of Administration.