

PRELIMINARY STAFF MEASURE SUMMARY**CARRIER:**

House Committee on Consumer Protection and Government Effectiveness

REVENUE: No revenue impact**FISCAL: No fiscal impact****SUBSEQUENT REFERRAL TO: None****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Wendy Simons, Administrator**Meeting Dates:**

WHAT THE MEASURE DOES: Changes requirement that agencies file adopted rules with Legislative Counsel from ten days after filing with Secretary of State to within ten days of filing. Removes requirement that modification of agency rules that change name of agency, change name of program, correct spelling or grammatical mistakes, correct statutory reference, or correct address or telephone numbers, be filed with, and undergo review by, Legislative Counsel.

ISSUES DISCUSSED:**EFFECT OF COMMITTEE AMENDMENT:**

Proposed -1 amendment: Requires agency to review adopted rule five years after adoption to determine whether: the rule has had intended effect; the fiscal impact was underestimated or overestimated; subsequent laws require rule to be repealed or amended; and need for rule remains. Requires agency to provide written report of findings to assigned interim committee within six months of five years after adoption. If agency fails to submit timely report, interim committee may recommend reduction of up to ten percent in agency appropriations and salary of administrative head of agency.

BACKGROUND: Upon adoption of agency rules, state agencies are required to send a copy of the rules to Legislative Counsel (LC) within 10 days after filing the certified copy with the Secretary of State (SOS). If rules are received before filing with the SOS, and not re-submitted after the filing, the rule becomes invalid. LC reviews the rules to determine whether they are within the intent and scope of the enabling legislation and if there are any constitutional issues raised by the rules.

Senate Bill 358 clarifies that adopted rules are due at LC within 10 days of when the rules are filed with the SOS, including up to 10 days before the filing. It also allows agencies to forgo filing a copy with LC when the only changes are to change the name of the agency to conform with a statutory change, a program name change, correction of spelling or grammar, correction of statutory reference, or to correct an address or phone number. The measure also specifies that LC is not required to review such modifications.