

HB 4052 A STAFF MEASURE SUMMARY

Carrier: Sen. Manning Jr

Senate Committee On General Government and Accountability

Action Date: 02/22/18

Action: Do pass the A-Eng bill.

Vote: 5-0-0-0

Yeas: 5 - Hass, Linthicum, Manning Jr, Riley, Thatcher

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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WHAT THE MEASURE DOES:

Establishes the Small Business Rules Advisory Committee (Committee) to assist agencies adopting new administrative rules. Prescribes membership and requires State Archives to provide administrative support. Allows agencies to ask the Committee to complete the rule review that is required five years after rule adoption. Requires Secretary of State to compile and submit annual rule review reports to the legislature. Takes effect 91st day after *sine die*.

ISSUES DISCUSSED:

- Existing process to create small business impact statements
- Not replacing the existing process

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Administrative rules are agency directives, standards, regulations, or statements of general applicability that implement, interpret, or prescribe law or policy, or that describe the procedure or practice requirements of an agency. Rules are created by any state board, commission, department, or officer authorized to make rules or issue orders. Agencies may adopt, amend, repeal, or renumber rules, either permanently or temporarily. State law requires agencies to involve the public in the drafting of administrative rules. An agency may appoint an advisory committee to represent the interests of persons likely to be affected by a proposed rule, or use other means of obtaining public input in the rule development process. If an agency appoints an advisory committee, the agency must seek its recommendation as to whether the rule will have a fiscal impact, the extent of the fiscal impact, and whether the rule will have a significant adverse impact on small businesses. Agencies are also required to review rules five years after adoption.

House Bill 4052A establishes an alternative to the existing process, the Small Business Rules Advisory Committee, to assist agencies adopting new administrative rules and conducting five-year rule reviews.