

# HOUSE BILL REPORT

## HB 2253

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As of Second Reading

**Title:** An act relating to amending statutory timelines governing the administration and organization of the joint administrative rules review committee that prescribe when member, alternate, chair, and vice chair appointments and final decisions regarding petitions for review must be made.

**Brief Description:** Amending statutory timelines governing the administration and organization of the joint administrative rules review committee that prescribe when member, alternate, chair, and vice chair appointments and final decisions regarding petitions for review must be made.

**Sponsors:** Representatives Hudgins and Taylor.

**Brief History:**

**Committee Activity:**

None.

**Brief Summary of Bill**

- Requires the term of any member or alternate of the Joint Administrative Rules Review Committee to extend until a successor is appointed, or until he or she no longer serves in the Legislature, whichever occurs first.
- Extends the time period in which a successor must be appointed.
- Extends the time period in which appointments of the chairperson and vice chairperson must be made.
- Requires vacancies on the committee to be filled within 30 days.
- Allows for deferment of a final decision of a petitioned rule until 90 days after adjournment of a regular or special session.
- Allows petitioners to bring concerns to any legislator during a legislative session for action through legislation.

**Staff:** Marsha Reilly (786-7135).

**Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The Legislature exercises some oversight over agency rulemaking through the Joint Administrative Rules Review Committee (JARRC). The JARRC is empowered to examine three main issues: whether a rule is consistent with the intent of the Legislature; whether a rule was adopted in accordance with the law; and whether an agency is using a policy or interpretive statement in place of a rule. The JARRC may also, by majority vote, order an agency to engage in the significant legislative rulemaking process or develop a small business economic impact statement.

### Membership

The JARRC is composed of eight legislative members, four senators and four representatives, and at least four alternate members. Members are appointed in the following manner:

- four members, with no more than two members from the same political party, appointed by the House;
- four members, with no more than two members from the same political party, appointed by the Senate;
- one alternate member from each caucus of the House of Representatives, appointed by the House; and
- one alternate member from each caucus of the Senate, appointed by the Senate.

Members and alternates must be appointed as soon as possible after the Legislature convenes in regular session in an odd-numbered year.

Member terms extend until their successors are appointed and qualified at the next regular session in an odd-numbered year, or until they no longer serve in the Legislature, whichever occurs first. Vacancies must be filled within 30 days. Members and alternates may be reappointed to the committee.

Appointments for chairpersons and vice chairpersons from among the committee membership must be made in January of each even-numbered year as soon as possible after a legislative session convenes. The appointments are made on an alternating basis between the House of Representatives and the Senate. Beginning in the year 2000, the Speaker of the House of Representatives appoints the chairperson and vice chairperson and beginning in 2002, the President of the Senate makes the appointments.

### Review of Rules

Any person may petition the JARRC for a review of a proposed or existing rule, a proposed or existing policy, or an interpretive statement of general applicability. If the JARRC issues an adverse finding on a rule, the agency in question is required to conduct a hearing on the committee's findings. If the JARRC is dissatisfied with the agency response to its findings, it may publish notice of its dissatisfaction in the State Register, recommend to the Governor that he or she suspend the rule, or refer the matter to a standing policy committee of the Legislature.

Within 30 days of receipt of the petition, the JAARC must acknowledge receipt of the petition and describe any initial action taken. If the petition is rejected, a written statement of

the reasons for rejection must be included. The JAARC must make a final decision on a petitioned rule within 90 days of the receipt of the petition.

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**Summary of Bill:**

Appointments of successors to any member or alternate member of the JAARC must be made as soon as possible after the Legislature convenes in regular session in odd-numbered years, but no later than by June 30 of the same year. Appointments of the chairperson and vice chairperson must be made as soon as possible after the Legislature convenes in regular session in even-numbered years, but no later than by June 30th of the same year. The term of any member or alternate extends until a successor is appointed or the member no longer serves in the Legislature, whichever occurs first. Vacancies must be filled within 30 days of the vacancy occurring.

A final decision of a petitioned rule may be deferred if a decision has not been made by the time the Legislature meets in regular or special session. In those instances, a final decision must be made within 90 days of adjournment of the regular or special session. During a legislative session, a petitioner may bring any concerns raised in a petition to any legislator, and those concerns may be addressed directly through legislation.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

None.

**Persons Testifying:** None.

**Persons Signed In To Testify But Not Testifying:** None.