

# PROPOSED AMENDMENT

## HB 1100 # 2

### DIGEST

Agency rulemaking procedures. Prohibits an executive order issued by the governor from being effective for more than 180 days unless the general assembly (instead of the legislative council) approves the extended enforcement of the executive order. Provides an exception to the requirement that an agency repeal a rule at the same time the agency adopts a new rule. Provides that if the attorney general does not approve an emergency rule within 30 days (instead of 45 days) after an agency submits the emergency rule, the emergency rule is considered approved.

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- 1       Page 2, line 4, delete "legislative council" and insert "**general**
- 2       **assembly**".
- 3       Page 2, line 6, delete "proclamation." and insert "**proclamation**
- 4       **through adoption of a concurrent resolution.**".
- 5       Page 2, line 18, delete "legislative council" and insert "**general**
- 6       **assembly**".
- 7       Page 2, line 20, delete "proclamation." and insert "**proclamation**
- 8       **through adoption of a concurrent resolution.**".
- 9       Page 2, line 23, delete "chair and vice chair of the" and insert
- 10      "**general assembly**".
- 11      Page 2, line 24, delete "legislative council".
- 12      Page 2, line 26, delete "a determination of the legislative council"
- 13      and insert "**the general assembly's adoption of a concurrent**
- 14      **resolution**".
- 15      Page 5, line 34, delete "a change in the agency's" and insert "**the**
- 16      **adoption of rules is:**
- 17                **(A) required to begin or maintain state implementation of**
- 18                **a program established under federal law or state statute;**
- 19                **or**
- 20                **(B) required by a state statute."**
- 21      Page 5, delete lines 35 through 36.
- 22      Page 11, line 28, delete "In the".
- 23      Page 11, delete lines 29 through 30.
- 24      Page 11, line 31, delete "this section."

- 1       Page 11, line 32, delete "that justifies adoption in" and insert ". **The**  
2       **attorney general may return the rule to the agency without**  
3       **disapproving the rule, and the agency may recall and resubmit the**  
4       **rule to the attorney general under the same document number in**  
5       **accordance with section 40 of this chapter.**".
- 6       Page 11, line 33, delete "accordance with this section.".
- 7       Page 11, line 33, delete "neither" and insert "**does not approve**".
- 8       Page 11, line 34, delete "approves nor disapproves".
- 9       Page 11, line 34, after "rule" insert "**for legality and form**".
- 10      Page 11, line 34, delete "forty-sixth day" and insert "**thirty-first**  
11      **day**".
- 12      Page 11, line 36, delete "without the approval of the attorney" and  
13      insert ".".
- 14      Page 11, delete lines 37 through 41.
- 15      Page 11, line 42, after "deemed approved" insert "**for legality and**  
16      **form**".
- (Reference is to HB 1100 as introduced.)