



**State Representative Derek Merrin
District 47**

**House Bill 103 – Sponsor Testimony
State and Local Government Committee
March 17, 2021**

Chairman Wiggam, Vice-Chair John, Ranking Member Kelly, and State and Local Government Committee Members, thank you for the opportunity to provide testimony for Substitute House Bill 103. This bill strengthens the Joint Committee on Agency Rule Review (JCARR) process and ensures emergency rules by state agencies do not circumvent legislative oversight and accountability. Under current law, state agencies can issue emergency rules for up to 120 days. However, agencies' rules, not filed as an emergency, must undergo a review process and cannot become effective until this oversight process is complete. The current bipartisan process has worked well for legislative oversight and providing the opportunity to receive input from citizens and businesses on the impact proposed rules will have. Oftentimes, rules are revised by state agencies when scrutiny reveals problems in the proposed rules. Emergency rules are not subject to this proven process, and needed corrections may not be made for 120 days.

This legislation limits state agency emergency rules to 30 days. Additionally, it provides clear language that an agency cannot circumvent the 30-day limit by expressly stating a rule cannot be reissued if it contains the substance of a previous rule or a restriction from a previous rule. After 30 days, the legislation authorizes JCARR to extend the duration of the order by up to 65 days upon the request of the agency issuing the emergency rule through a majority vote. Furthermore, it authorizes JCARR, by a majority vote, to recommend the adoption of a concurrent resolution invalidating the emergency rule before it expires. The legislature could adopt a concurrent resolution invalidating an emergency rule before it is scheduled to expire. This extra time enables state agencies to submit proposed rules and go through the regular JCARR process of review but still allows a mechanism for emergency rules to maintain in place for up to 95 days if JCARR deems necessary.

I trust the committee will agree that Substitute House Bill 103 strikes a balance and a reasonable compromise. We can have legislative oversight, hold state agencies accountable, and still provide flexibility for true emergencies that cannot be adequately addressed within 30 days. I welcome any questions committee members may have at this time.