



Expedited Suspension and Legislative Repeal of Harmful Rules— Model Policy

Summary: The model provides an expedited process by which governors and state agencies can temporarily suspend, and the Legislature can expeditiously review and act to repeal, regulations that are causing harm during an emergency or have become unnecessary, conflict with other law, or are overly burdensome. To accomplish its purpose, the model establishes deregulatory criteria and a process for expedited suspensions and repeals of existing rules or problematic provisions of them.

Model Policy

Section 1. Nothing in this act grants any authority to the governor, a state agency, commission, board, or any other state actor to impose or increase regulatory burdens on, or further restrict the liberty of, private parties. The deregulatory actions authorized by this act include the temporary or permanent suspension of existing regulatory provisions that burden or adversely affect private parties and meet specified criteria.

Section 2. Upon request by the [Joint Committee on Administrative Rules¹] or the Governor, a state agency, commission, or board shall submit a report to the Committee and the Governor, within the timeframe specified by the requester, regarding its existing rules, or a segment of them, and identify those that meet any of the following criteria:

- a. cause public safety or economic harm during an emergency;
- b. are obsolete;
- c. are no longer enforced;
- d. are no longer in compliance with state or federal law or federal regulations;
- e. are overly burdensome;
- f. unnecessarily infringe individual rights; or
- g. are duplicative or conflict with other legal or regulatory requirements.

The Committee may take legislative action on such information, as appropriate, regardless of whether the Governor or other executive branch entity initiates action under Section 4.

Section 3. Regardless of whether a report in Section 2 has been requested or issued, the Governor or a state agency, commission, or board may temporarily suspend any rule or regulatory provision that imposes burdens on, or adversely affects, private parties and meets any of the criteria in Subsections 2(a) through 2(g) without complying with the requirements of [the state administrative procedure code] relating to adoption of rules, provided that the suspension reduces the net regulatory burdens on regulated parties, and that the following procedures are followed:

- a. The Governor, state agency, commission, or board provides notice to the [Joint Committee on Administrative Rules] regarding the deregulatory change and its content; and



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b. The Governor, state agency, commission, or board provides notice to the public, in a manner reasonably calculated to provide notice to those persons interested in the rule, of the deregulatory change as well as information on how the public may provide comments to the executive entity issuing the notice and to the [Joint Committee on Administrative Rules].

Section 4. The [Joint Committee on Administrative Rules] may take action under this Section, in accordance with [the state's existing APA or ALEC model APA²], after it provides public notice under its rules that it will consider a temporary suspension submitted under Section 3(a). Notwithstanding that the temporary suspension may still be in effect, be scheduled to end, or is already ended or withdrawn at the executive level, the Committee may by resolution/joint resolution:

- a. Approve and ratify the original deregulatory change, making it permanent; or
- b. Reject the original deregulatory change, which action shall restore the original rule as of the date of the Committee/legislative action, if no date is specified, or at another date set by the Committee/Legislature.