

CHAPTER 36

RETROSPECTIVE REVIEW OF AGENCY RULES

§971. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2011, c. 304, Pt. L, §1 (NEW).]

1. Agency. "Agency" means any body of State Government authorized by law to adopt rules under Title 5, chapter 375.

[PL 2011, c. 304, Pt. L, §1 (NEW).]

2. Committee of jurisdiction. "Committee of jurisdiction" means the joint standing committee of the Legislature having jurisdiction over the policy and subject matter of a rule.

[PL 2011, c. 304, Pt. L, §1 (NEW).]

3. Retrospective review. "Retrospective review" means a review of a rule by an agency for any change in the relevance, clarity and reasonableness of the rule between the time of its initial adoption and the time of the review.

[PL 2011, c. 304, Pt. L, §1 (NEW).]

SECTION HISTORY

PL 2011, c. 304, Pt. L, §1 (NEW).

§972. Direction from committees of jurisdiction

On or before February 1st of any first regular session of the Legislature, a committee of jurisdiction may direct an agency in writing to undertake a retrospective review of one or more rules under the jurisdiction of the committee. [PL 2011, c. 304, Pt. L, §1 (NEW).]

SECTION HISTORY

PL 2011, c. 304, Pt. L, §1 (NEW).

§973. Agency review

When directed by a committee of jurisdiction to undertake a retrospective review of a rule under this chapter, an agency shall evaluate the continued relevance, clarity and reasonableness of the rule by examining: [PL 2011, c. 304, Pt. L, §1 (NEW).]

1. Relevance. The extent to which the rule may have over time become redundant, inconsistent or in conflict with the original goals and objectives for which the rule was first proposed, with other rules or with any underlying federal or state law or regulation that initially served as the basis for the rule;

[PL 2011, c. 304, Pt. L, §1 (NEW).]

2. Clarity. Whether the language of the rule has retained its clarity and use of plain and clear English as required by Title 5, section 8061, continues to comply with the uniform drafting standards set forth in the drafting manual developed by the Secretary of State under Title 5, section 8056-A or whether the rule could be made less complex or more understandable to the general public;

[PL 2011, c. 304, Pt. L, §1 (NEW).]

3. Reasonableness. Whether the rule has been reasonably and consistently applied with respect to the public or particular persons and whether less costly or more limited regulatory methods of achieving the original purposes of the rule have become available; and

[PL 2011, c. 304, Pt. L, §1 (NEW).]

4. Appropriate categorization. Whether the rule should be categorized as a major substantive rule or a routine technical rule, as those terms are defined in Title 5, chapter 375.

[PL 2011, c. 304, Pt. L, §1 (NEW).]

SECTION HISTORY

PL 2011, c. 304, Pt. L, §1 (NEW).

§974. Report to the committee of jurisdiction

An agency directed to undertake a retrospective review of one or more of its rules in a first regular session of the Legislature pursuant to section 972 shall submit a written report to the committee of jurisdiction on or before February 14th of the second regular session of that Legislature. The report must address each of the criteria listed in section 973 for each rule reviewed by the agency and identify ways in which the agency proposes to amend the rule, if any, and recommend whether the legislative authority for each rule should be retained, repealed or modified. [PL 2011, c. 304, Pt. L, §1 (NEW).]

SECTION HISTORY

PL 2011, c. 304, Pt. L, §1 (NEW).

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