

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB RCC 13-06 Repeal of Unused, Unnecessary, or Redundant Rulemaking Authority

SPONSOR(S):

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Rules & Calendar Committee		Miller	Birtman

SUMMARY ANALYSIS

{This analysis relates to PCB RCC 13-06 by the Rules and Calendar Committee. A previous draft of the PCB was discussed in a workshop in the Rulemaking Oversight & Repeal Subcommittee. An analysis to "Draft A" of the PCB was previously available for purposes of that workshop.}

Beginning in 2012, section 11.242(5)(j), F.S., directs the Office of Legislative Services to include duplicative, redundant, or unused statutory rulemaking authority among its proposed repeals in reviser's bill recommendations. The purpose of this directive is not to diminish the authority of executive branch agencies to adopt administrative rules necessary to implement their statutory responsibilities but to remove unnecessary text from the statutes.

This reviser's bill removes such rule authorizing provisions through revision of existing statutes or repeal of unnecessary provisions. The bill also makes conforming changes to correct cross-references.

Pursuant to House Rule 12.3(e), a reviser's bill cannot be amended except to delete one or more bill sections.

The effective date of the bill is the 60th day after adjournment sine die.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

1. *Statutory Delegation of Authority to Make Rules*

A rule is an agency statement of general applicability which interprets, implements, or prescribes law or policy, including the procedure and practice requirements of an agency, as well as certain types of forms.¹ Rulemaking authority is delegated by the Legislature² by law authorizing an agency to “adopt, develop, establish, or otherwise create”³ a rule. Agencies do not have discretion whether to engage in rulemaking.⁴ To adopt a rule an agency must have an express grant of authority to implement a specific law by rulemaking.⁵ The grant of rulemaking authority itself need not be detailed.⁶ The particular statute being interpreted or implemented through rulemaking must provide specific standards and guidelines to preclude the administrative agency from exercising unbridled discretion in creating policy or applying the law.⁷ A delegation of authority to an administrative agency by a law that is vague, uncertain, or so broad as to give no notice of what actions would violate the law, could be ruled unconstitutional because it allows the agency to state what the law is.⁸ The Legislature must provide minimal standards and guidelines in the law creating a program to provide for its proper administration by the assigned executive agency. The Legislature may delegate rule-making authority to agencies but not the authority to determine what the law should be.⁹

Legislation creating new programs or modifying existing ones may include an additional grant of authority for the responsible agency to create rules for administering the statute. Such language can be redundant of a broader grant of authority for the agency to adopt rules implementing the full statutory chapter or part and often is never used to support subsequent rulemaking because the existing authority is legally sufficient.

Other grants of rulemaking authority are superfluous because the substantive legislation provides sufficient guidance and detail for the agency to implement the program requirements without any additional rulemaking. Such grants of rulemaking authority remain in statutes unused because they serve no practical purpose.

2. *Annual Review of Rulemaking Authority*

In 2012 the Legislature directed the Office of Legislative Services (OLS), through the process of duly enacted reviser’s bills, to omit duplicative, redundant, or unused grants of rulemaking authority from inclusion in the statutes. Rulemaking authority is deemed unused if the provision has been in effect for more than 5 years without being relied upon to adopt rules.¹⁰

This PCB is the first reviser’s bill implementing the additional function of rulemaking oversight. In preparing the bill OLS, together with the respective staffs of the Joint Administrative Procedures Committee (JAPC) and the House Rulemaking & Regulation Subcommittee (the predecessor of the present Rulemaking Oversight & Repeal Subcommittee) developed a list of statutory grants of rulemaking authority that initially appeared to meet the requirements for omission. This summary then

¹ Section 120.52(16), F.S.; *Florida Department of Financial Services v. Capital Collateral Regional Counsel-Middle Region*, 969 So. 2d 527, 530 (Fla. 1st DCA 2007).

² *Southwest Florida Water Management District v. Save the Manatee Club, Inc.*, 773 So. 2d 594 (Fla. 1st DCA 2000).

³ Section 120.52(17), F.S.

⁴ Section 120.54(1)(a), F.S.

⁵ Section 120.52(8) & s. 120.536(1), F.S.

⁶ *Save the Manatee Club, Inc.*, supra at 599.

⁷ *Sloban v. Florida Board of Pharmacy*, 982 So. 2d 26, 29-30 (Fla. 1st DCA 2008); *Board of Trustees of the Internal Improvement Trust Fund v. Day Cruise Association, Inc.*, 794 So. 2d 696, 704 (Fla. 1st DCA 2001).

⁸ *Conner v. Joe Hatton, Inc.*, 216 So.2d 209 (Fla.1968).

⁹ *Sarasota County. v. Barg*, 302 So.2d 737 (Fla. 1974).

¹⁰ Section 11.242(5)(j), F.S., as amended by Chapter 2012-116, s. 9, Laws of Florida.

was submitted for review and comment by the staff of other substantive House committees, which in turn consulted with the various administrative agencies affected by the proposed revisions. Adhering to the recommendations received from the other substantive committees, the Subcommittee staff helped to develop the final list of sections OLS included in the bill.

The present bill is technical and non-substantive, amending or deleting various statutory provisions or language to omit duplicative, redundant, or unused and unnecessary grants of rulemaking authority. Where necessary, the bill also deletes expired or obsolete language, corrects cross-references and grammatical errors, and improves the clarity of the statutes to facilitate correct and proper interpretation relative to legislative grants of rulemaking authority to administrative agencies.

B. SECTION DIRECTORY:

For each of the following sections the statutory rulemaking authority being amended or repealed has not been used to adopt rules in more than 5 years and thus is unnecessary for the particular agency to implement its statutory responsibilities.

Section 1 amends s. 17.28, F.S., to remove text granting duplicative, redundant, or unused rulemaking authority. This statute authorizes the Chief Financial Officer to permit biweekly salary payments on the written request of a state agency and to adopt rules to implement the section. Despite a long practice of permitting bi-weekly salary payments for numerous agencies without using rulemaking,¹¹ the Department of Financial Services (DFS) prefers to retain this authority in the belief that it is the only authority specific to allowing such payment schedules. Because s. 17.29, F.S., provides authority sufficient to adopt any rules necessary to permit bi-weekly salary payments, and because DFS currently implements bi-weekly payments without the need for any rule, the rulemaking authority in s. 17.28, F.S., is redundant and unnecessary.

Section 2 repeals s. 23.1231(3)(c), F.S. The authority is unnecessary to implement the statute.

Section 3 amends s. 43.291, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. The authority is unnecessary to implement the statute.

Section 4 repeals s. 110.118(3), F.S. Section 110.1055, F.S., provides sufficient rulemaking authority.

Section 5 repeals s. 112.358, F.S. The authority is unnecessary to implement the statute.

Section 6 repeals s. 112.361(8), F.S. The authority is unnecessary to implement the statute.

Section 7 repeals s. 119.0712(2)(d), F.S. The authority is unnecessary to implement the statute.

Section 8 repeals s. 120.65(6) and (8), F.S. The authority is unnecessary to implement the statute.

Section 9 repeals s. 199.1851, F.S. This obsolete authority to implement Chapter 2001-371, Laws of Florida through emergency rulemaking expired in 2001. Section 199.202, F.S., provides sufficient rulemaking authority.

Section 10 amends s. 201.165, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. Section 201.11(1), F.S., provides sufficient rulemaking authority.

Section 11 repeals s. 202.37(1)(c)10., F.S. Section 202.26, F.S., provides sufficient rulemaking authority.

Section 12 amends s. 207.021(1)(a), F.S., by removing the rulemaking provision and making conforming changes to the remaining text. Section 207.011(2), F.S., provides sufficient rulemaking authority.

¹¹ The section was enacted in 1967. Ch. 67-425, s. 1, Laws of Florida.

Section 13 repeals s. 207.0281(6), F.S. Section 207.011(2), F.S., provides sufficient rulemaking authority.

Section 14 repeals s. 212.097(16), F.S. Section 212.18(6), F.S., provides sufficient rulemaking authority.

Section 15 repeals s. 212.098(12), F.S. Section 212.18(6), F.S., provides sufficient rulemaking authority.

Section 16 repeals 215.61(5), F.S. Section 1001.02(2)(n), F.S., appears to provide sufficient rulemaking authority.

Section 17 repeals s. 220.1501, F.S. Section 220.51, F.S., provides sufficient rulemaking authority.

Section 18 amends s. 238.03, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. The authority is unnecessary to implement the statute.

Section 19 repeals s. 258.0165 (5), F.S. Section 258.007(2), F.S., provides sufficient rulemaking authority.

Section 20 repeals s. 288.1045(6)(a), F.S. The authority is unnecessary to implement the statute.

Section 21 repeals s. 288.108(7), F.S. The authority is unnecessary to implement the statute.

Section 22 repeals s. 288.706(10), F.S. The authority is unnecessary to implement the statute.

Section 23 amends s. 288.816, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. The authority is unnecessary to implement the statute.

Section 24 amends s. 316.0747, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. The authority is unnecessary to implement the statute.

Section 25 repeals s. 316.525(2), F.S. The authority is unnecessary to implement the statute.

Section 26 repeals s. 317.0005(1), F.S. The authority is unnecessary to implement the statute.

Section 27 repeals s. 320.0657(5), F.S. Section 320.011, F.S., provides sufficient rulemaking authority.

Section 28 repeals s. 320.0848(12), F.S. Section 320.011, F.S., provides sufficient rulemaking authority.

Section 29 repeals s. 322.161(3), F.S. Section 322.02, F.S., provides sufficient rulemaking authority.

Section 30 amends s. 324.0221, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. Section 324.042, F.S., provides sufficient rulemaking authority.

Section 31 repeals s. 328.44, F.S. Section 328.03(8), F.S., provides sufficient rulemaking authority.

Section 32 repeals s. 328.50, F.S. Section 328.03(8), F.S., provides sufficient rulemaking authority.

Section 33 repeals s. 339.2817(5), F.S. Section 334.044(2), F.S., provides sufficient rulemaking authority.

Section 34 repeals s. 339.55(9), F.S. Section 334.044(2), F.S., provides sufficient rulemaking authority.

Section 35 amends s. 376.121, F.S., by removing the rulemaking provision in s. 376.121(2)(b), making conforming changes, and repealing s. 376.121(14) as redundant. Section 376.07(1), F.S., provides sufficient rulemaking authority.

Section 36 amends s. 376.317, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. Section 376.303(1)(a), F.S., provides sufficient rulemaking authority.

Section 37 repeals s. 379.245(6), F.S. The authority is unnecessary to implement the statute.

Section 38 repeals s. 380.0666(9), F.S., to remove unnecessary and unused rulemaking authority from the powers of the Monroe County Land Authority. The Authority has never used rulemaking during its 26-year existence. The rulemaking authority is unnecessary to implement the statute.

Section 39 amends s. 391.304, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. Section 391.026(18), F.S., provides sufficient rulemaking authority.

Section 40 amends s. 391.305, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. Section 391.026(18), F.S., provides sufficient rulemaking authority.

Section 41 amends s. 393.0641, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. Section 393.501(1), F.S., provides sufficient rulemaking authority.

Section 42 amends s. 395.0185, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. Section 395.1055(1), F.S., provides sufficient rulemaking authority.

Section 43 amends s. 395.605, F.S., by removing the rulemaking provision and making conforming changes to the remaining text.

Section 44 repeals s. 397.99(5), F.S. The authority is unnecessary to implement the statute.

Section 45 repeals s. 397.998(6), F.S. The authority is unnecessary to implement the statute.

Section 46 repeals s. 400.063(4), F.S. Section 400.23(2), F.S., provides sufficient rulemaking authority.

Section 47 amends s. 400.176, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. Section 400.23(2), provides sufficient rulemaking authority.

Section 48 repeals s. 400.801(4), F.S. The authority is unnecessary to implement the statute.

Section 49 amends s. 402.22(5), F.S., by removing the rulemaking provision and making conforming changes to the remaining text, and repeals s. 402.22(6), F.S. The authority is unnecessary to implement the statute.

Section 50 repeals s. 402.3025(1)(c), F.S. Section 1001.02, F.S., provides sufficient rulemaking authority.

Section 51 repeals s. 402.81(4)(a), F.S. The authority is unnecessary to implement the statute.

Section 52 repeals s. 403.0861, F.S. Section 403.061(7), F.S., provides sufficient rulemaking authority.

Section 53 repeals s. 403.7191(8), F.S. Section 403.704(9), F.S., provides sufficient rulemaking authority.

Section 54 repeals s. 409.14511, F.S. The authority is unnecessary to implement the statute.

Section 55 repeals s. 409.2576(10), F.S. Section 409.2557(3), F.S., provides sufficient rulemaking authority.

Section 56 repeals s. 409.2578(4), F.S. Section 409.2557(3), F.S., provides sufficient rulemaking authority.

Section 57 repeals s. 409.2675, F.S. The authority is unnecessary to implement the statute.

Section 58 repeals s. 409.441(3)(a), F.S., and makes conforming changes to the remaining text. This provision is obsolete because the required rulemaking was to be completed by 9/1/1984. The authority is unnecessary to implement the statute.

Section 59 repeals s. 409.9101(11), F.S. Section 409.919, F.S., provides sufficient rulemaking authority.

Section 60 repeals s. 411.205, F.S. The authority is unnecessary to implement the statute.

Section 61 repeals s. 411.224(10), F.S. The authority is unnecessary to implement the statute.

Section 62 amends s. 414.158, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. Section 414.45, F.S., provides sufficient rulemaking authority.

Section 63 amends s. 414.1585, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. Section 414.45, F.S., provides sufficient rulemaking authority.

Section 64 repeals s. 414.35(1) & (2), F.S. Section 414.45, F.S., provides sufficient rulemaking authority.

Section 65 amends s. 415.1105, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. Section 415.112, F.S., provides sufficient rulemaking authority.

Section 66 amends s. 420.5091, F.S., by removing the rulemaking authority to adopt the HOPE Program, which is now obsolete.

Section 67 repeals s. 430.708(3), F.S. Section 430.705(10), F.S., provides sufficient rulemaking authority. [Sections 430.701 - 430.709 were repealed effective 10/1/2013 by chapter 2011-135, s. 24, Laws of Florida.]

Section 68 repeals s. 430.902(4), F.S. The authority is unnecessary to implement the statute.

Section 69 amends s. 443.1312, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. Section 443.1317(1)(a), F.S., provides sufficient rulemaking authority.

Section 70 amends s. 443.1313, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. Section 443.1317(1)(a), F.S., provides sufficient rulemaking authority.

Section 71 amends s. 455.2255, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. Section 455.203(5), F.S., provides sufficient rulemaking authority.

Section 72 amends s. 456.053, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. The authority is unnecessary to implement the statute.

Section 73 repeals s. 472.017(2), F.S. Identical rulemaking authority in s. 472.006(1), F.S.

Section 74 amends s. 489.146, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. Sections 455.203 and 489.108, F.S., provide sufficient rulemaking authority.

Section 75 repeals s. 496.414(2), F.S. Section 570.07(23), F.S., provides sufficient rulemaking authority.

Section 76 repeals s. 497.381(1), F.S. Section 497.103(5), F.S., provides sufficient rulemaking authority.

Section 77 repeals s. 501.0583(4), F.S. Section 570.07(23), F.S., provides sufficient rulemaking authority.

Section 78 amends s. 509.036, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. Section 509.032(6), F.S., provides sufficient rulemaking authority.

Section 79 repeals s. 548.024(1), F.S. Section 548.003(8), F.S., provides sufficient rulemaking authority.

Section 80 repeals s. 553.897, F.S. This outdated provision related to the effective date of a 2000 law and its impacts on a prior law from 1998. Section 553.76, F.S., provides sufficient rulemaking authority.

Section 81 repeals s. 559.10(3), F.S. The authority is unnecessary to implement the statute.

Section 82 amends s. 561.41, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. Section 561.11(1), F.S., provides sufficient rulemaking authority.

Section 83 repeals s. 563.04, F.S. Section 561.11(1), F.S., provides sufficient rulemaking authority.

Section 84 repeals s. 564.04, F.S. Section 561.11(1), F.S., provides sufficient rulemaking authority.

Section 85 amends s. 578.26, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. Section 570.07(23), F.S., provides sufficient rulemaking authority.

Section 86 repeals s. 582.055(2), F.S. Section 570.07(23), F.S., provides sufficient rulemaking authority.

Section 87 amends s. 601.74, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. Section 570.07(23), F.S., provides sufficient rulemaking authority.

Section 88 repeals s. 601.75, F.S. Section 570.07(23), F.S., provides sufficient rulemaking authority.

Section 89 amends s. 601.76, F.S. by removing the rulemaking provision and making conforming changes to the remaining text. Section 570.07(23), F.S., provides sufficient rulemaking authority.

Section 90 repeals s. 601.77, F.S. Section 570.07(23), F.S., provides sufficient rulemaking authority.

Section 91 repeals s. 601.78, F.S. Section 570.07(23), F.S., provides sufficient rulemaking authority.

Section 92 repeals s. 607.193(3), F.S. Section 607.0130(4), F.S., provides sufficient rulemaking authority.

Section 93 amends s. 624.487, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. Section 624.308, F.S., provides sufficient rulemaking authority.

Section 94 amends s. 627.096, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. Section 624.308, F.S., provides sufficient rulemaking authority.

Section 95 amends s. 627.212, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. Section 624.308, F.S., provides sufficient rulemaking authority.

Section 96 repeals s. 627.793, F.S. Section 624.308, F.S., provides sufficient rulemaking authority.

Section 97 repeals s. 627.917(3), F.S. Section 624.308, F.S., provides sufficient rulemaking authority.

Section 98 repeals s. 633.445(8), F.S. Section 633.01(1), F.S., provides sufficient rulemaking authority.

Section 99 repeals s. 634.289, F.S. Section 624.308, F.S., provides sufficient rulemaking authority.

Section 100 repeals s. 641.316(7), F.S. Section 624.308, F.S., provides sufficient rulemaking authority.

Section 101 repeals s. 655.922(6), F.S. Section 655.012(2), F.S., provides sufficient rulemaking authority.

Section 102 repeals s. 658.995(6), F.S. Section 655.012(2), F.S., provides sufficient rulemaking authority.

Section 103 repeals s. 663.319, F.S. Section 655.012(2), F.S., provides sufficient rulemaking authority.

Section 104 repeals s. 668.704(12), F.S. The authority is unnecessary to implement the statute.

Section 105 repeals ss. 713.78(11)(c) & (13)(g), F.S. Section 321.051, F.S., provides sufficient rulemaking authority.

Section 106 repeals ss. 713.785(7)(c) & (8)(f), F.S. The authority is unnecessary to implement the statute.

Section 107 repeals s. 744.7021(4), F.S. The authority is unnecessary to implement the statute.

Section 108 repeals s. 744.713(7), F.S. The authority is unnecessary to implement the statute.

Section 109 amends s. 766.304, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. The authority is unnecessary to implement the statute.

Section 110 amends s. 865.09, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. Section 20.10(3), F.S., provides sufficient rulemaking authority.

Section 111 amends s. 943.0543, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. Section 943.03(4), F.S., provides sufficient rulemaking authority.

Section 112 amends s. 943.0544, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. Section 943.03(4), F.S., provides sufficient rulemaking authority.

Section 113 repeals s. 944.095(8), F.S. The authority is unnecessary to implement the statute.

Section 114 amends s. 945.73, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. Section 944.09, F.S., provides sufficient rulemaking authority.

Section 115 repeals 946.525(5), F.S. Section 944.09, F.S., provides sufficient rulemaking authority.

Section 116 amends s. 949.08, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. Section 944.09, F.S., provides sufficient rulemaking authority.

Section 117 repeals s. 984.05, F.S. Sections 985.64 and 1001.02, F.S., provide sufficient rulemaking authority.

Section 118 amends s. 985.66(6), F.S., by removing the rulemaking provisions and making conforming changes to the remaining text, and repeals s. 985.66(7), F.S. Section 985.64, F.S., provides sufficient rulemaking authority.

Section 119 repeals s. 1011.48(4), F.S., and makes conforming changes to the remaining text. Section 1001.706, F.S., provides sufficient rulemaking authority.

Section 120 repeals s. 1011.51(7), F.S. Section 1001.02, F.S., provides sufficient rulemaking authority.

Section 121 repeals s. 1011.765(1)(a), F.S. Section 1001.02, F.S., provides sufficient rulemaking authority.

Section 122 amends s. 1012.467, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. Section 943.05, F.S., provides sufficient rulemaking authority.

Section 123 amends s. 1012.965, F.S., by removing the rulemaking provision and making conforming changes to the remaining text. Section 456.013(9), F.S., provides sufficient rulemaking authority.

Section 124 makes conforming changes to s. 213.053, F.S.

Section 125 makes conforming changes to s. 400.518, F.S.

Section 126 makes conforming changes to s. 556.116, F.S.

Section 127 makes conforming changes to s. 564.06, F.S.

Section 128 makes conforming changes to s. 601.80, F.S.

Section 129 provides for an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Please see FISCAL COMMENTS in Part II, Section D.

2. Expenditures:

Please see FISCAL COMMENTS in Part II, Section D.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Please see FISCAL COMMENTS in Part II, Section D.

2. Expenditures:

Please see FISCAL COMMENTS in Part II, Section D.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Please see FISCAL COMMENTS in Part II, Section D.

D. FISCAL COMMENTS:

This reviser's bill is a technical, non-substantive bill. The bill has no fiscal impact on state or local governments or on the private sector.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take any action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

N/A

B. RULE-MAKING AUTHORITY:

This reviser's bill removes unnecessary grants of rulemaking authority from the statutes but does not substantively affect the necessary rulemaking authority of any agency.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES