

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 2596

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Authors: Doepke and others

Subject: Prohibiting the education commissioner from enforcing unadopted rules

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Overview

State statute (MS, section 14.02, subdivision 4) defines a rule as an "agency statement of general applicability and future effect. . .adopted to implement or make specific the law enforced or administered by that agency or to govern its organization or procedure." This bill restates the law governing rules in the context of guidelines, criteria, bulletins and other pronouncements that the education commissioner might issue. It declares any pronouncements by the commissioner intended to be treated as rules must be adopted as rules or they are unenforceable.

- 1 Administrative rules.** (b) Prohibits the education commissioner from enforcing pronouncements to school districts that meet the definition of a rule but have not been adopted as rules. Requires the commissioner to notify districts when issuing such pronouncements that the pronouncements are not enforceable. Allows school districts to petition the office of administrative hearings seeking an order from an administrative law judge determining that the commissioner is enforcing or attempting to enforce a pronouncement as though it were an adopted rule.

Makes this section effective immediately.