

H.B. 32

AMENDMENTS TO AGENCY RULEMAKING REGARDING CRIMINAL PENALTIES

HOUSE FLOOR AMENDMENTS

AMENDMENT 2

JANUARY 29, 2009

1:08 PM

Representative **Ben C. Ferry** proposes the following amendments:

1. *Page 21a, Lines 632ad through 632ae*

House Committee Amendments

1-27-2009:

632ad Subsection (5) ~~{(a)}~~ (b) when:

632ae (i) ~~{a federal law or regulation requires that the criminal penalty be established by rule}~~ authorized by a specific state statute ;

2. *Page 21a, Lines 632ag through 632ai*

House Committee Amendments

1-27-2009:

632ag (ii) ~~{state law or a federal law or regulation imposes a deadline for enacting a provision~~

632ah in order for the state to retain primacy over a federal program and the deadline cannot be met

632ai prior to the next general legislative session} =

(A) a state law and programs under that law are established in order for the state to obtain or maintain primacy over a federal program; or

(B) state civil or criminal penalties established by state statute regarding the program are equivalent to or less than corresponding federal civil or criminal penalties .