

## H.B. 32

# AMENDMENTS TO AGENCY RULEMAKING REGARDING CRIMINAL PENALTIES

HOUSE FLOOR AMENDMENTS

AMENDMENT 3

JANUARY 30, 2009

9:29 AM

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

1. *Page 1, Line 20:*

20 criminal penalty; =

► addresses rulemaking as needed to maintain state primacy of federal programs and as relates to federal penalties that are equal to or greater than state penalties; and

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

*House Committee Amendments*

*1-27-2009:*

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

632af {~~or~~}

632ag (ii) {~~state law or a federal law or regulation imposes a deadline for enacting a provision in order for the state to retain primacy over a federal program and the deadline cannot be met~~

632ah prior to the next general legislative session} 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

632ai (iii) state civil or criminal penalties established by state statute regarding the program are equivalent to or less than corresponding federal civil or criminal penalties .