

Table 3.25
LEGISLATIVE REVIEW OF ADMINISTRATIVE REGULATIONS: STRUCTURES AND PROCEDURES

State	Type of reviewing committee	Rules reviewed	Time limits in review process
Alabama	Mbrs. Legislative Council	P	35 days for action by committee.
Alaska*	Joint bipartisan	P,E	...
Arizona	Joint bipartisan	P,E	...
Arkansas	Joint bipartisan	P,E	...
California		P,E	Regulation review conducted by independent executive branch agency
Colorado (b)	Joint bipartisan	E	Every newly adopted or amended rule expires on May 15 of the following year. Each year the committee sponsors a bill before the General Assembly which extends the adopted or amended rules due to expire.
Connecticut*	Joint bipartisan	P,E	65 days for action by committee.
Delaware		P	The Attorney General shall review any rule or regulation promulgated by any state agency and inform the issuing agency in writing as to the potential of the rule or regulation to result in a taking of private property before the rule or regulation may become effective.
Florida	Joint bipartisan	P,E	...
Georgia	Standing committee	P	The agency notifies the Legislative Counsel 30 days prior to the effective dates of proposed rules.
Hawaii	Legislative agency (c)	P,E	...
Idaho	Germane joint subcommittees	P	All rules expire one year after adoption and must be reauthorized through legislative action. All pending rules reviewed by standing committees of the legislature. Rules imposing fees must be approved or are deemed rejected. Other pending rules are deemed approved unless rejected.
Illinois	Joint bipartisan	P,E	If the committee objects to a proposed rulemaking, the agency can modify, adopt or withdraw the rulemaking within 90 days. If the agency does not act within 90 days, the rulemaking is automatically withdrawn. If the committee determines a proposed rulemaking is objectionable and constitutes a threat to public interest, safety or welfare, it may prohibit adoption of the rulemaking for 180 days.
Indiana	Joint bipartisan	E	The Administrative Rules Oversight Committee conducts hearings on complaints about the rules. It issues nonbinding advisory recommendations.
Iowa	Joint bipartisan	P,E	The committee meets monthly and can delay the effective date of a proposed rule until the adjournment of the next legislative session, giving the legislature an opportunity to review the rule. The legislature can rescind any rule by joint action of the two houses.
Kansas	Joint bipartisan	P,E	Agencies must give a 60-day notice to the public and the Joint Committee of their intent to adopt or amend specific rules and regulation, a copy of which must be provided to the committee. Within the 60-day comment period, the Joint Committee must review and comment, if it feels necessary, on the proposals. Final rules and regulations are resubmitted to the committee to determine whether further expression of concern is necessary.
Kentucky	Joint bipartisan subcommittee	P,E	Within 45 days after publication of an administrative regulation in "The Administrative Register," or within 45 days of the receipt of a statement of consideration by the subcommittee.
Louisiana* (b)	Standing committee	P,E	All proposed rules and fees are submitted to designated standing committees of the legislature. If a rule or fee is unacceptable, the committee sends a written report to the governor. The governor has 10 days to disapprove the committee report. If both Senate and House committees fail to find the rule unacceptable, or if the governor disapproves the action of a committee within 10 days, the agency may adopt the rule change. (d)
Maine	Jt. standing policy cmtes.	P,E	Proposed rules identified as major substantive must be reviewed by the legislature before they are finally adopted. The legislature may approve, approve with changes or disapprove final adoption of major substantive rules. Failure of the legislature to act permits the agency to finally adopt the rule. Any group of 100 or more registered voters, or any person directly, substantially, or adversely affected by an existing rule may file an application for review with the executive director of the Legislative Council. One-third or more of the appropriate standing committee must request a review within 15 days of receipt of the application.
Maryland (b)	Joint bipartisan	P,E	The committee has 45 days from the date the regulation is published to comment or object to the regulation.
Massachusetts* (b)	Public hearing by agency	P	In Massachusetts, the General Court (Legislature) may by statute authorize an administrative agency to promulgate regulations. The promulgation of such regulations are then governed by Chapter 30A of the Massachusetts General Laws. Chapter 30A requires 21 day notice to the public of a public hearing on a proposed regulation. After public hearing the proposed regulation is filed with the State Secretary who approves it if it is in conformity with Chapter 30A. The State Secretary maintains a register entitled "Massachusetts Register" and the regulation does not become effective until published in the register. The agency may promulgate amendments to the regulations following the same process.

See footnotes at end of table.

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LEGISLATIVE REVIEW OF ADMINISTRATIVE REGULATIONS: STRUCTURES AND PROCEDURES — Continued

<i>State</i>	<i>Type of reviewing committee</i>	<i>Rules reviewed</i>	<i>Time limits in review process</i>
Michigan	Joint bipartisan	P	Joint Committee on Administrative Rules (JCAR) has 21 days to approve a formal notice of objection. If no objection is made, the rules may be filed and go into effect. If JCAR does formally object, bills to block the rules are automatically introduced and placed directly on the Senate and House calendars for action. If the bills are not enacted within 21 days, the rules may be filed and go into effect. Also, as specified in the Michigan Constitution, the committee can meet and suspend rules during the interim between legislative session for any rules during the interim.
Minnesota	-----	-----	(e) -----
Mississippi*	-----	-----	(a) -----
Missouri	Joint bipartisan	P,E	The committee must disapprove a final order of rulemaking within 30 days upon receipt or the order of rulemaking is deemed approved.
Montana	Germane joint bipartisan committees	P,E	...
Nebraska	-----	-----	(a) -----
Nevada	Joint bipartisan	P	If the committee objects to a rule, it is returned to the agency for revision in accordance with legislative intent and statutory authority. Preliminary objections must be filed within 45 days of agency filing of final proposal. A vote to sponsor joint resolutions must be filed within 45 days of the objection response deadline.
New Hampshire	Joint bipartisan	P	...
New Jersey	The legislature	P,E	...
New Mexico	-----	-----	(g) -----
New York	Joint bipartisan commission	P,E	Agencies must give at least 45 days notice of proposed rule making to the public and the joint commission. While there is no statutory time limit for the commission's review, any commission comments or objections are typically submitted prior to agency adoption. Agency adoption may occur until expiration of the notice of proposed rule making, which is 180 days after its publication in the "State Register," unless extended for an additional 185 days by the agency upon public notice. Whenever a proposed rule is substantially revised, the agency must give at least 30 days notice of revised rule making to the public and the joint commission.
North Carolina*	Public membership appointed by legislature	P,E	The Rules Review Commission must review a permanent rule submitted to it on or before the 20th of the month by the last day of the next month. The commission must review a permanent rule submitted to it after the 20th of the month by the last day of the second subsequent month.
North Dakota	Interim committee	P	The committee has 90 days from the time a rule is published to initially consider a rule and may carry over for one additional meeting its decision on whether to declare the rule void.
Ohio	Joint bipartisan	P,E	Proposed rules are submitted to the committee 65 days prior to adoption. The committee has 30 days to review refiled rules. The committee has 90 days to review rules submitted without change.
Oklahoma (b)	Standing cmte. or cmte. appointed by leadership of both houses	P,E	The legislature has 30 legislative days to disapprove a permanent rule. The legislature may disapprove any rule at any time by joint resolution.
Oregon (h)	Joint bipartisan	E	...
Pennsylvania	Standing committees and an independent commission	P,E	Standing committees have 20 days to review the final form regulation. The independent commission has 30 days to review the final form regulation. (f)
Rhode Island*	-----	-----	(a) -----
South Carolina	Standing committees	P	120 days for action by committee or legislature.
South Dakota	Joint bipartisan	P	A proposed or provisional rule can be suspended until July 1 following the next legislative session if five of the committee's six members agree.
Tennessee	Joint standing committee	P	All permanent rules take effect 75 days after filing with the secretary of state. Rules filed in a calendar year expire on June 30 of the following year unless extended by the General Assembly.
Texas	-----	-----	(a) -----
Utah	Joint bipartisan	P,E	Each rule in effect on February 28 of each year expires May 1 of that year unless reauthorized by the legislature in annual legislation.
Vermont*	Joint bipartisan	P,E	All final proposed rules must be submitted to the committee, which has 30 days to review them. Within 14 days of receiving an objection the agency must respond in writing. If the committee still objects it may file its objections with the secretary of state.

See footnotes at end of table.

LEGISLATIVE REVIEW OF ADMINISTRATIVE REGULATIONS: STRUCTURES AND PROCEDURES — Continued

State	Type of reviewing committee	Rules reviewed	Time limits in review process
Virginia (b)	Standing committee	P,E	Legislative review is optional. Within 21 days after the receipt of an objection, the agency shall file a response with the registrar, the objecting legislative committee and the governor. After an objection is filed, the regulation unless withdrawn by the agency shall become effective on a date specified by the agency which shall be after the 21-day extension period.
Washington * (b)	Joint bipartisan	P,E	If the committee determines that a proposed rule does not comply with legislative intent, it notifies the agency, which must schedule a public hearing within 30 days of notification. The agency notifies the committee of its action within seven days after the hearing. If a hearing is not held or the agency does not amend the rule, the objection may be filed in the state register and referenced in the state code. The committee's powers, other than publication of its objections, are advisory.
West Virginia	Joint bipartisan	P	Committee reports and bills authorizing reviewed rules must be filed with the full legislature no later than 40 days before the 60th day of each regular legislative session.
Wisconsin	Joint bipartisan	P,E	The standing committee has 30 days to conduct its review for a proposed rule. The time limit can be extended in various ways. If a standing committee objects to a proposal rule, the joint committee also must object before legislation is introduced to sustain the objection. The joint committee may suspend an existing rule at any time. The suspension is followed by legislation to sustain that action.
Wyoming	Joint bipartisan	P,E	...

Source: The Council of State Governments survey, January 2000, except where noted by * where data are from *The Book of the States, 1998-1999*.

Key:

P — Proposed rules

E — Existing rules

... — No formal time limits

(a) No formal rule review is performed by both legislative and executive branches.

(b) Review of rules is performed by both legislative and executive branches.

(c) In Hawaii, the legislative reference bureau assists agencies to comply with uniform format of style. This does not affect the status of rules.

(d) If a committee of either house fails to find a fee unacceptable or if the governor disapproves a committee's finding that a fee was unacceptable, it can be adopted. Committee action on proposed rules must be taken within 6 to 31 days after the agency reports to the committee on its public hearing (if any) and whether it is making changes on proposed rules.

(e) As of December, 1995 The Legislative Commission to Review Administrative Rules (LCRAR) is scheduled to cease operating, effective July 1, 1996. The Legislative Coordinating Commission (LCC) may perform the statutory functions of the LCRAR as it deems necessary. Contact the LCC for more information.

(f) Proposed regulations-standing committee may submit comments to the agency within 20 days of the close of the public comment period. Independent Regulatory Review Commission (IRRC) may submit comments to the agency within 10 days after the expiration of the standing committees' review period. Final regulations - standing committees have 20 days to approve or disapprove a final rule. The IRRC has within 10 days after the expiration of the standing committees' review period or at its next regular scheduled meeting, whichever is later, to approve or disapprove a final regulation. The independent commission may review existing regulations and make recommendations to the agency.

(g) No formal review is performed by legislature. Periodic review and report to legislative finance committee is required of certain agencies.

(h) Oregon created a second kind of review. An executive department agency must submit a proposed rule to a member or committee of the legislative assembly (the recipient differs depending upon the rule) and then, if requested, a standing or interim committee must review the rule and return its comments to the adopting agency.