

Table 3.25
LEGISLATIVE REVIEW OF ADMINISTRATIVE REGULATIONS: STRUCTURES AND PROCEDURES

<i>State or other jurisdiction</i>	<i>Type of reviewing committee</i>	<i>Rules reviewed</i>	<i>Time limits in review process</i>
Alabama	Joint bipartisan, standing committee	P	If not approved or disapproved within 35 days of filing, rule is approved. If disapproved by committee, rule suspended until adjournment, next regular session or until legislature by resolution revokes suspension. Rule takes effect upon final adjournment unless committee's disapproval is sustained by legislature. The committee may approve a rule.
Alaska	Joint bipartisan, standing committee and Legislative Affairs Agency review of proposed regulations.	P,E	...
Arizona	Joint bipartisan	P,E	...
Arkansas	Joint bipartisan	P,E	...
California .....	...	P,E	Regulation review conducted by independent executive branch agency. The only existing rules that are reviewed are emergency regulations—all others are reviewed prior to implementation.
Colorado	Joint bipartisan	E	Rules continue unless the annual legislative Rule Reviews Bill discontinues a rule. The Rule Reviews Bill is effective upon the governor's signature.
Connecticut	Joint bipartisan, standing committee	P	Submittal of proposed regulation shall be on the first Tuesday of month; after first submittal committee has 65 days after date of submission. Second submittal: 35 days for committee to review/take action on revised regulation.
Delaware	Attorney General review	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	P,E	In Hawaii, the legislative reference bureau assists agencies to comply with a uniform format of style. This does not affect the status of rules.
Idaho	Germane joint subcommittees	P	Germane joint subcommittees vote to object or not object to a rule. They cannot reject a proposed rule directly, only advise an agency which may choose to adopt a rule subject to review by the full legislature. The legislature as a whole reviews rules during the first three weeks of session to determine if they comport with state law. The Senate and House may reject rules via resolution adopted by both. Rules imposing fees must be approved or are deemed approved unless rejected. Temporary rules expire at the end of session unless extended by concurrent resolution.
Illinois	Joint bipartisan	P,E	An agency proposing non-emergency regulations must allow 45 days for public comment. At least five days after any public hearing on the proposal, the agency must give notice of the proposal to the Joint Committee on Administrative Rules, and allow it 45 days to approve or object to the proposed regulations.
Indiana	Joint bipartisan	P	...
Iowa	Joint bipartisan	P,E	...
Kansas	Joint bipartisan	P	Agencies must give a 60-day notice to the public and the Joint Committee of their intent to adopt or amend specific rules and regulations, 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 statutory committee	P,E	45 days.

See footnotes at end of table.

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Louisiana (b)	Standing committee	P	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	Joint bipartisan, standing committee	P	One legislative session.
Maryland	Joint bipartisan	P,E	Proposed regulations are submitted for review at least 15 days before publication. Publication triggers 45 day review period which may be extended by the committee, but if agreement cannot be reached, the governor may instruct the agency to modify or withdraw the regulation, or may approve its adoption.
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.
Michigan	Joint bipartisan	P	Joint Committee on Administrative Rules (JCAR) has 15 session days in which to consider the rule and to object to the rule by filing a 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 introduced in both houses of the legislature simultaneously by the committee chair and placed directly on the Senate and House calendars for action. If the bills are not enacted by the legislature and presented to the governor within 15 session days, the rules may go into effect. Between legislative sessions the committee can meet and suspend rules promulgated during the interim between sessions.
Minnesota	Joint bipartisan, standing committee	P,E	Minnesota Statute Sec. 3.842, subd. 4a
Mississippi .....	.....	.....	(a).....
Missouri	Joint bipartisan, standing committee	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	Prior to adoption.
Nebraska	Standing committee	P	If an agency proposes to repeal, adopt or amend a rule or regulation, it is required to provide the Executive Board Chair with the proposal at least 30 days prior to the public hearing, as required by law. The Executive Board Chair shall provide to the appropriate standing committee of the legislature, the agency proposal for comment.
Nevada	Ongoing statutory committee (Legislative Commission)	P	Proposed regulations are either reviewed at the Legislative Commission's next regularly scheduled meeting (if the regulation is received more than three working days before the meeting), or they are referred to the Commission's Subcommittee to Review Regulations. If there is no objection to the regulation, then the Commission will "promptly" file the approved regulation with the secretary of state. If the Commission or its subcommittee objects to a regulation, then the Commission will "promptly" return the regulation to the agency for revision. Within 60 days of receiving the written notice of objection to the regulation, the agency must revise the regulation and return it to the Legislative Counsel. If the Commission or its subcommittee objects to the revised regulation, the agency shall continue to revise and resubmit it to the Commission or subcommittee within 30 days after receiving the written notice of objection to the revised regulation.

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New Hampshire	Joint bipartisan	P	Under APA, for regular rulemaking, the joint committee of administrative rules has 45 days to review a final proposed rule from an agency. Otherwise the rule is automatically approved. If JLCAR makes a preliminary or revised objection, the agency has 45 days to respond, and JLCAR has another 50 days to decide to vote to sponsor a joint resolution, which suspends the adoption process. JLCAR may also, or instead, make a final objection, which shifts the burden of proof in court to the agency. There is no time limit on making a final objection. If no JLCAR action in the 50 days to vote to sponsor a joint resolution, the agency may adopt the rule.
New Jersey	Joint bipartisan	...	...
New Mexico .....	.....	.....	(g).....
New York	Joint bipartisan commission	P,E	...
North Carolina	Rules Review Commission; 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	E	The Administrative Rules Committee meets in each calendar quarter to consider rules filed in previous 90 days.
Ohio	Joint bipartisan	P,E (h)	The committee's jurisdiction is 65 days from date of original filing plus an additional 30 days from date of re-filing. Rules filed with no changes, pursuant to the five-year review, are under a 90 day jurisdiction.
Oklahoma	Standing committee (c)	P,E	The legislature has 30 legislative days to review proposed rules.
Oregon	Office of Legislative Counsel	E	Agencies must copy Legislative Counsel within 10 days of rule adoption.
Pennsylvania	Joint bipartisan, standing committee	E	Time limits decided by the president pro tempore and speaker of the House.
Rhode Island.....	.....	.....	(a).....
South Carolina	Standing committee (e)	P	General Assembly has 120 days to approve or disapprove. If not disapproved by joint resolution before 120 days, regulation is automatically approved. It can be approved during 120 day review period by joint resolution.
South Dakota	Joint bipartisan	P	Rules must be adopted within 75 days of the commencement of the public hearing; emergency rules must be adopted within 30 days of the date of the publication of the notice of intent. Many other deadlines exist; see SDCL 1-26-4 for further details.
Tennessee	Joint bipartisan	P	All permanent rules take effect 165 days after filing with the secretary of state. Emergency rules take effect upon filing with the secretary of state.
Texas	Standing committee	P	No time limit.
Utah	(f)	P,E	Except as provided in Subsection (2)(b), every agency rule that is in effect on February 28 of any calendar year expires May 1 of that year unless it has been reauthorized by the legislature. (UCA 63G-3-502)
Vermont	Joint bipartisan	P	The Joint Legislative Committee on Rules must review a proposed rule within 30 days of submission to the committee.
Virginia	Joint bipartisan, standing committee	P	Standing committees and the Joint Commission on Administrative Rules may object to a proposed or final adopted rule before it becomes effective. This delays the process for 21 days and the agency must respond to the objection. In addition or as an alternative, standing committees and the Commission may suspend the effective date of all or a part of a final regulation until the end of the next regular session, with the concurrence of the Governor.
Washington	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.

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West Virginia	Joint bipartisan	P,E	...
Wisconsin	Joint bipartisan, standing committee	P,E	The standing committee in each house has 30 days to conduct its review for a proposed rule. If either objects the Joint Committee for the Review of Administrative Rules has 30 days to introduce legislation in each house overturning the rules. After 40 days the bills are placed on the calendar. If either bill passes, the rules are overturned. If they fail to pass, the rules go into effect.
Wyoming	Joint bipartisan	E	An agency shall submit copies of adopted, amended or repealed rules to the legislative service office for review within five days after the date of the agency's final action adopting, amending or repealing those rules. The legislature makes its recommendations to the governor who within 15 days after receiving any recommendation, shall either order that the rule be amended or rescinded in accordance with the recommendation or file in writing his objections to the recommendation.
American Samoa	Standing committee	P	...
Guam	Standing committee		45 Calendar days
Puerto Rico .....	.....		(a).....
U.S. Virgin Islands .....	.....		(a).....

Source: The Council of State Governments' survey, February 2009 with update August 2010.

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) House has a standing committee to which all rules are generally sent for review. In the Senate rules are sent to standing committee which

deals with that specific agency.

(d) If the committees of both houses fail to find a fee unacceptable, it can be adopted. Committee action on proposed rules must be taken within 5 to 30 days after the agency reports to the committee on its public hearing (if any) and whether it is making changes on proposed rules.

(e) Submitted by General Assembly for approval.

(f) Created by statute (63G-3-501).

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

(h) The Committee reviews proposed new, amended, and rescinded rules. The Committee participates in a five-year review of every existing rule.