

Table 3.26
LEGISLATIVE REVIEW OF ADMINISTRATIVE RULES/REGULATIONS: POWERS

State or other jurisdiction	Reviewing committee's powers			Legislative powers Method of legislative veto of rules
	Advisory powers only (a)	No objection constitutes approval of proposed rule	Committee may suspend rule	
Alabama .....	...	★	★	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.....	★	...	(b)	Statute
Arizona.....	★	N.A.	N.A.	N.A.
Arkansas.....	★	...	...	...
California .....	...	★	★	...
Colorado.....	...	★	...	Rules that the General Assembly has determined should not be continued are listed as exceptions to the continuation.
Connecticut .....	...	★	...	Statute CGS 4-170 (d) and 4-171; see footnote (c)
Delaware	N.A.	N.A.	N.A.	N.A.
Florida .....	★	...	...	Statute
Georgia.....	...	★	...	Resolution (d)
Hawaii.....	★	...	...	...
Idaho.....	...	★	...	Concurrent resolution. All rules are terminated one year after adoption unless the legislature reauthorizes the rule.
Illinois.....	...	(c)	★(f)	(f)
Indiana.....	★	...	...	(g)
Iowa .....	...	...	(h)	E-mail legislation
Kansas .....	★	...	...	Statute
Kentucky .....	...	★	★	Enacting legislation to void.
Louisiana.....	...	★	(i)	Concurrent resolution to suspend, amend or repeal adopted rules or fees. For proposed rules and emergency rules, see footnote (i).
Maine.....	...	★	...	(j)
Maryland	★(k)	...	...	...
Massachusetts .....	...	...	...	The legislature may pass a bill which would supersede a regulation if signed into law by the governor.
Michigan.....	...	...	(l)	Joint Committee on Rules has 15 session days to approve the filing of a notice of objection. The filing of the notice of objection starts another 15 day session period that stays the rules and causes committee members to introduce legislation in both houses of the legislature for enactment and presentment to the governor. Any member of the legislature, pursuant to statute, can introduce a bill at a session, which in effect amends or rescinds a rule.
Minnesota.....	★	...	...	(m)
Mississippi .....	.....	.....	.....	(n).....
Missouri.....	...	★	★	Concurrent resolution passed by both houses of the General Assembly.
Montana .....	...	...	★(o)	Statute
Nebraska .....	★	★	...	...
Nevada.....	N.A.	★	★	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.
New Hampshire	★	(q)	...	(r)

See footnotes at end of table.

STATE LEGISLATURES

LEGISLATIVE REVIEW OF ADMINISTRATIVE RULES/REGULATIONS: POWERS — Continued

State or other jurisdiction	Reviewing committee's powers			Legislative powers Method of legislative veto of rules
	Advisory powers only (a)	No objection constitutes approval of proposed rule	Committee may suspend rule	
New Jersey	★	★	★	(s)
New Mexico	N.A.	N.A.	N.A.	No formal mechanism exists for legislative review of administrative rules.
New York.....	★	...	...	Reviewing commission's powers are advisory; it may, via its chair, introduce legislation with regard to agency rulemaking.
North Carolina.....	★	★	★	...
North Dakota.....	...	★(t)	...	The Administrative Rules Committee can void a rule.
Ohio.....	★	...	...	Concurrent resolution. Committee recommends to the General Assembly that a rule be invalidated. The General Assembly invalidates a rule through adoption of concurrent resolution.
Oklahoma.....	★	★(p)	★(p)	The legislature may disapprove (veto) proposed rules by concurrent or joint resolution. A concurrent resolution does not require the governor's signature. Existing rules may be disapproved by joint resolution. A committee may not disapprove; only the full legislature may do so. Failure of the legislature to disapprove constitutes approval.
Oregon.....	★	★	★	...
Pennsylvania .....	...	★	★	Written or oral.
Rhode Island.....	.....	.....	.....	(n)
South Carolina.....	...	★	...	...
South Dakota.....	...	★	★	The Interim Rules Review Committee may, by statute, suspend rules that have not become effective yet by an affirmative vote of the majority of the committee,
Tennessee .....	...	...	★	Bill approved by Constitutional majority of both houses declaring rule invalid.
Texas .....	★	...	...	N.A.
Utah .....	★	...	...	All rules must be reauthorized by the legislature annually. This is done by omnibus legislation, which also provides for the sunset of specific rules listed in the bill.
Vermont.....	.....	.....	.....	(u) Statute
Virginia .....	...	...	(v)	The General Assembly must pass a bill enacted into law to directly negate the administrative rule.
Washington.....	★	★	★	N.A.
West Virginia.....	★	...	...	(w)
Wisconsin .....	...	★	★	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	★	★	...	Action must be taken by legislative order adopted by both houses before the end of the next succeeding legislative session to nullify a rule.
American Samoa .....	.....	.....	.....	The enacting clause of all bills shall be: Be it by the Legislature of American Samoa, and no law shall be except by bill. Bills may originate in either house, and may be amended or rejected by the other. The Governor may submit proposed legislation to the Legislature for consideration by it. He may designate any such proposed legislation as urgent, if he so considers it.
Guam.....	N.A.	N.A.	N.A.	Legislation to disapprove rules and regulations.
U.S. Virgin Islands....	.....	.....	.....	(n)

See footnotes at end of table.

LEGISLATIVE REVIEW OF ADMINISTRATIVE RULES/REGULATIONS: POWERS—Continued

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

Key:

★ — Yes

... — No

N.A. — Not applicable

(a) This column is defined by those legislatures or legislative committees that can only recommend changes to rules but have no power to enforce a change.

(b) Authorized, although constitutionally questionable.

(c) Disapproval of proposed regulations may be sustained, or reversed by action of the General Assembly in the ensuing session.

The General Assembly may by resolution sustain or reverse a vote of disapproval.

(d) The reviewing committee must introduce a resolution to override a rule within the first 30 days of the next regular session of the General Assembly.

If the resolution passes by less than a two-thirds majority of either house, the governor has final authority to affirm or veto the resolution.

(e) The Administrative Procedure Act is not clear on this point, but implies that the Joint Committee should either object or issue a statement of no objections.

(f) Joint Committee on Administrative Rules can send objections to issuing agency. If it does, the agency has 90 days from then to withdraw, change, or refuse to change the proposed regulations. If the Joint Committee determines that proposed regulations would seriously threaten the public good, it can block their adoption. Within 180 days the Joint Cmte., or both houses of the General Assembly, can "unblock" those regulations; if that does not happen, the regulations are dead.

(g) None—except by passing statute.

(h) Committee may delay rules.

(i) If the committee determines that a proposed rule is unacceptable, it submits a report to the governor who then has 10 days to accept or reject the report. If the governor rejects the report, the rule change may be adopted by the agency. If the governor accepts the report, the agency may not adopt the rule. Emergency rules become effective upon adoption or up to 60 days after adoption as provided in the rule, but a standing committee or governor may void the rule by finding it unacceptable within 2 to 61 days after adoption and reporting such finding to agency within four days.

(j) No veto allowed. Legislation must be enacted to prohibit agency from adopting objectionable rules.

(k) Except for emergency regulations which require committee approval for adoption.

(l) Committee can suspend rules during interim.

(m) The Legislative Commission to Review Administrative Rules (LCRAR) ceased operating, effective July 1, 1996. The Legislative Coordinating Commission (LCC) may review a proposed or adopted rule. Contact the LCC for more information. See Minn. Stat. 3.842, subd. 4a.

(n) No formal mechanism for legislative review of administrative rules. In Virginia, legislative review is optional.

(o) A rule disapproved by the reviewing committee is reinstated at the end of the next session if a joint resolution in the legislature fails to sustain committee action.

(p) Full legislature may suspend rules.

(q) Failure to object or approve within 45 days of agency filing of final proposal constitutes approval.

(r) The legislature may permanently block rules through legislation. The vote to sponsor a joint resolution suspends the adoption of a proposed rule for a limited time so that the full legislature may act on the resolution, which would then be subject to governor's veto and override.

(s) Article V, Section IV of the Constitution, as amended in 1992, says the legislature may review any rule or regulation to determine whether the rule or regulation is consistent with legislative intent. The legislature transmits its objections to existing or proposed rules or regulations to the governor and relevant agency via concurrent resolutions. The legislature may invalidate or prohibit an existing or proposed rule from taking effect by a majority vote of the authorized membership of each house.

(t) Unless formal objections are made or the rule is declared void, rules are considered approved.

(u) JLCAR may recommend that an agency amend or withdraw a proposal. A vote opposing rule does not prohibit its adoption but assigns the burden of proof in any legal challenge to the agency.

(v) Standing committees and The Joint Commission on Administrative Rules may suspend the effective date of all or a part of a final regulation until the end of the next regular legislative session with the concurrence of the governor.

(w) State agencies have no power to promulgate rules without first submitting proposed rules to the legislature which must enact a statute authorizing the agency to promulgate the rule. If the legislature during a regular session disapproves all or part of any legislative rule, the agency may not issue the rule nor take action to implement all or part of the rule unless authorized to do so. However, the agency may resubmit the same or a similar proposed rule to the committee.