

3048

2009-2010 Regular Sessions

I N   S E N A T E

March 10, 2009

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Introduced by Sens. SEWARD, DeFRANCISCO, O. JOHNSON, LARKIN, LITTLE, PADAVAN, RANZENHOFER, SALAND, SKELOS -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 8 of article 4 of the constitution, in relation to legislative review of rules and regulations

1     Section 1. Resolved (if the Assembly concur), That section 8 of arti-  
2     cle 4 of the constitution be amended to read as follows:  
3     S 8. No rule or regulation made by any state department, board,  
4     bureau, officer, authority or commission, except such as relates to the  
5     organization or internal management of a state department, board,  
6     bureau, authority or commission shall be effective until it is filed in  
7     the office of the department of state. The legislature shall provide for  
8     the speedy publication of such rules and regulations by appropriate  
9     laws. THE LEGISLATURE MAY REVIEW ANY RULE OR REGULATION TO DETERMINE IF  
10    THE RULE OR REGULATION IS CONSISTENT WITH THE INTENT OF THE LEGISLATURE  
11    AS EXPRESSED IN THE LANGUAGE OF THE STATUTE WHICH THE RULE OR REGULATION  
12    IS INTENDED TO IMPLEMENT AND/OR TO DETERMINE WHETHER THE RULE OR REGU-  
13    LATION IS LIKELY TO HAVE A SUBSTANTIAL FISCAL IMPACT ON THE STATE OR  
14    LOCAL GOVERNMENTS WHICH WAS NOT ANTICIPATED BY THE LEGISLATURE AT THE  
15    TIME OF THE PASSAGE OF THE LEGISLATION. UPON A FINDING THAT AN EXISTING  
16    OR PROPOSED RULE OR REGULATION IS NOT CONSISTENT WITH LEGISLATIVE INTENT  
17    AND/OR A FINDING OF A SUBSTANTIAL UNANTICIPATED FISCAL IMPACT ON THE  
18    STATE OR LOCAL GOVERNMENTS, THE LEGISLATURE SHALL TRANSMIT THIS FINDING  
19    IN THE FORM OF A CONCURRENT RESOLUTION TO THE GOVERNOR AND THE HEAD OF  
20    THE STATE DEPARTMENT, BOARD, BUREAU, AUTHORITY OR COMMISSION WHICH  
21    PROMULGATED, OR PLANS TO PROMULGATE, THE RULE OR REGULATION. THE STATE  
22    DEPARTMENT, BOARD, BUREAU, AUTHORITY OR COMMISSION SHALL HAVE THIRTY  
23    DAYS TO AMEND OR WITHDRAW THE EXISTING OR PROPOSED RULE OR REGULATION.  
24    IF THE STATE DEPARTMENT, BOARD, BUREAU, AUTHORITY OR COMMISSION DOES NOT  
25    AMEND OR WITHDRAW THE EXISTING OR PROPOSED RULE OR REGULATION, THE  
26    LEGISLATURE MAY INVALIDATE THAT RULE OR REGULATION, IN WHOLE OR IN PART,

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 OR MAY PROHIBIT THAT PROPOSED RULE OR REGULATION, IN WHOLE OR IN PART,  
2 FROM TAKING EFFECT BY A VOTE OF A MAJORITY OF THE AUTHORIZED MEMBERSHIP  
3 OF EACH HOUSE IN FAVOR OF A CONCURRENT RESOLUTION PROVIDING FOR INVALI-  
4 DATION OR PROHIBITION, AS THE CASE MAY BE, OF THE RULE OR REGULATION.

5 S 2. Resolved (if the Assembly concur), That the foregoing amendment  
6 be referred to the first regular legislative session convening after the  
7 next succeeding general election of members of the assembly, and, in  
8 conformity with section 1 of article 19 of the constitution, be  
9 published for 3 months previous to the time of such election.