

6133

2011-2012 Regular Sessions

I N A S S E M B L Y

March 8, 2011

Introduced by M. of A. MAGEE -- read once and referred 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 Senate concur), That section 8 of article
2 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,
27 OR MAY PROHIBIT THAT PROPOSED RULE OR REGULATION, IN WHOLE OR IN PART,

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

LBD89064-01-1

1 FROM TAKING EFFECT BY A VOTE OF A MAJORITY OF THE AUTHORIZED MEMBERSHIP
2 OF EACH HOUSE IN FAVOR OF A CONCURRENT RESOLUTION PROVIDING FOR INVALI-
3 DATION OR PROHIBITION, AS THE CASE MAY BE, OF THE RULE OR REGULATION.
4 S 2. Resolved (if the Senate concur), That the foregoing amendment be
5 referred to the first regular legislative session convening after the
6 next succeeding general election of members of the assembly, and, in
7 conformity with section 1 of article 19 of the constitution, be
8 published for 3 months previous to the time of such election.