

HJR 36 -- JOINT COMMITTEE ON ADMINISTRATIVE RULES

SPONSOR: Ross

This proposed Constitutional amendment, if approved by the voters, creates a permanent Joint Committee on Administrative Rules, the members shall be chosen from the General Assembly as provided by law.

The committee is charged with review of all rules promulgated by state agencies, including any constitutionally or statutorily created agencies, departments, or commissions, and may recommend that the General Assembly disapprove and annul any rule based on certain grounds as detailed in the amendment. Any rule disapproved by majority vote of the committee shall be held in abeyance and not effective until the conclusion of certain legislative and judicial action. The amendment provides that no proposed or final order of rulemaking shall take effect if the General Assembly, by a three-fifths majority, shall disapprove such rule by concurrent resolution within thirty legislative days occurring during the same regular session of the General Assembly. The concurrent resolution must specify the grounds for disapproval and must be treated as a bill, but shall not be presented to the Governor.

Any person aggrieved by the disapproval of a rule that was based on an absence of statutory authority, a conflict with state law, or a finding that the rule was arbitrary and capricious may bring an action for de novo review in a court of competent jurisdiction. Any person aggrieved by the disapproval of a rule on other bases as set out in the amendment may bring an action for judicial review, but the legislative determination will be upheld if a rational basis exists that the rule violates any of those bases.

This bill is the same as SS SJR 42 (2014).