

MAINE STATE LEGISLATURE

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Rep. Joseph G. Carleton, Jr.

FINAL REPORT
117th Maine Legislature
Committee on Total Quality Management
in the Legislature
Subcommittee on Rules

Subcommittee on Rules membership

Senator Richard J. Carey, Senate Chair
Representative Gary W. Reed, House Chair

Senator John W. Benoit
Senator S. Peter Mills
Senator Richard P. Ruhlin
Representative Sharon Anglin Treat
Representative Kyle W. Jones
Representative Richard H. Thompson
Representative Brenda Birney
Representative Michael J. McAlevey
Secretary May M. Ross
Clerk Joseph W. Mayo
Marion Hylan Barr, OPLA
Amy Holland, OPLA
Mark Swanson, Office of the Revisor
Judy Paquette, Office of the Revisor
Teen Griffin, Legislative Information

Senator Richard J. Carey, Senate Chair
Representative Gary W. Reed, House Chair



117th Maine Legislature
Total Quality Management
Subcommittee on Rules

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Teen Griffin, Legislative Information

October 30, 1996

Honorable Jane Amero, Chair
Legislative Council
Maine Legislature
115 State House Station
Augusta, Maine 04333

Dear Chair Amero:

Please find enclosed for your review the final report of the Subcommittee on Legislative Rules of the 117th Legislature's Total Quality Management Committee. The subcommittee also submits this report to the full Total Quality Management Committee at this time.

After discussing a number of issues that the subcommittee previously identified as warranting further consideration, we unanimously recommend four substantive amendments and one technical amendment to the Joint Rules of the 117th Legislature. The report also summarizes discussions on issues that the subcommittee felt were important but required no proposed amendments to the joint rules at this time.

Feel free to contact us if you have any questions. Thank you for your attention to the report.

Sincerely,

Richard Carey
Sen. Richard J. Carey
Senate Chair

Gary W. Reed
Rep. Gary W. Reed
House Chair



117th Maine Legislature
Total Quality Management
Subcommittee on Rules

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Representative Gary W. Reed, House Chair

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Mark Swanson, Office of the Revisor
Judy Paquette, Office of the Revisor
Teen Griffin, Legislative Information

October 30, 1996

Sen. Philip E. Harriman, Senate Chair
Rep. Carol A. Kontos, House Chair
Committee on Total Quality Management

Dear Chair Harriman and Chair Kontos:

Please find enclosed for your review the final report of the Subcommittee on Legislative Rules of the 117th Legislature's Total Quality Management Committee. The subcommittee also submits this report to the Legislative Council at this time.

After discussing a number of issues that the subcommittee previously identified as warranting further consideration, we unanimously recommend four substantive amendments and one technical amendment to the Joint Rules of the 117th Legislature. The report also summarizes discussions on issues that the subcommittee felt were important but required no proposed amendments to the joint rules at this time.

Feel free to contact us if you have any questions. Thank you for your attention to the report.

Sincerely,

Richard Carey *RBH*
Sen. Richard J. Carey
Senate Chair

Gary Reed
Rep. Gary W. Reed
House Chair





MAINE STATE SENATE

State House Station 3
Augusta, Maine 04333

October 30, 1996

The Honorable Jane A. Amero, Chair
Legislative Council
State House Station 115
Augusta, Maine 04333

Dear Chair Amero:

I am writing to bring to your attention an issue that arose during the discussions of the Senate subcommittee of the TQM Subcommittee on Rules. As the Senate subcommittee prepared the recodification of the Senate Rules, we identified Senate Rule 32, regarding confidential communications made by the Governor to the Senate, as one that should be eliminated from the Senate Rules. The Senate subcommittee voted to recommend to the TQM Subcommittee on Rules that a broader joint rule regarding confidential communications be proposed in the full subcommittee's final report. Proposed Joint Rule 108 would require that all confidential communications made by a department of State government to members of the Legislature be kept confidential until the Legislature removed the injunction of secrecy. The proposed new rule is attached.

Because the full Subcommittee is not scheduled to meet again and some members have expressed concerns about the proposed new rule that could not be discussed without meeting, proposed Joint Rule 108 does not appear in the final report of the TQM Subcommittee on Rules. I believe that such a rule has merit and I strongly encourage the Legislative Council to consider this change to the Joint Rules and propose it to the full Legislature along with the other changes recommended by the TQM Subcommittee on Rules. I would be happy to answer any questions you may have regarding this issue.

Thank you for your consideration of this matter.

Sincerely,

S. Peter Mills
Senator S. Peter Mills

Attachment

cc: Members, TQM Committee
Members, TQM Subcommittee on Rules



MAINE STATE SENATE

State House Station 3
Augusta, Maine 04333

October 30, 1996

The Honorable Jane A. Amero, Chair
Legislative Council
State House Station 115
Augusta, Maine 04333

Dear Chair Amero:

I am writing to bring to your attention an issue that arose during the discussions of the TQM Subcommittee on Rules. The subcommittee spoke at length about minority reports and the cost of drafting and printing amendments that are supported by only one member of a joint standing committee. The subcommittee voted to draft an amendment to Joint Rule 310 that would require an "Ought to Pass as Amended" report and an "Ought to Pass in New Draft" report to have the votes and signatures of at least 2 committee members. The proposed amendment is attached.

At its last meeting the subcommittee voted not to include the amendment to Joint Rule 310 in its final report. I believe that such a rule has merit and I strongly encourage the Legislative Council to consider this change to the Joint Rules and propose it to the full Legislature along with the other changes recommended by the TQM Subcommittee on Rules. I would be happy to answer any questions you may have regarding this issue.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in cursive script that reads "S. Peter Mills" with a small flourish at the end.

Senator S. Peter Mills

Attachment

cc: Members, TQM Committee
Members, TQM Subcommittee on Rules

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**FINAL REPORT OF THE
SUBCOMMITTEE ON LEGISLATIVE RULES
OF THE LEGISLATURE'S
TOTAL QUALITY MANAGEMENT COMMITTEE**

I. SUMMARY OF PROPOSED AMENDMENTS TO THE JOINT RULES

The Subcommittee on Legislative Rules of the 117th Legislature's Committee on Total Quality Management presents its final report to the full Total Quality Management Committee and to the Legislative Council for consideration. The Subcommittee on Legislative Rules completed its proposed recodification changes and substantive changes to the joint rules during the 2nd Regular Session. The recommended changes were adopted with amendment by both the Senate and the House of Representatives. During the interim following the 2nd Regular Session and during and after the Special Session, the subcommittee continued to review the newly adopted joint rules and recommends that the following substantive and technical changes be made to those joint rules.

Substantive Changes

- Eliminate the requirement that the Legislative Council set a cloture date for legislation submitted for a special session; specify that the names of sponsors and the titles of requests for bills and resolves submitted for a special session are public information when transmitted to the Legislative Council; and specify that the names of sponsors and the titles of requests for bills and resolves submitted after cloture are public information when transmitted to the Legislative Council. (Joint Rules 203 and 207)
- Permit the Legislature to vote to refer a bill or resolve to more than one committee when the bill or resolve has a subject matter that falls within the jurisdiction of more than one committee; committees to whom a bill or resolve is referred shall participate equally in all public hearings and work sessions and shall make a joint report or joint reports. (Joint Rule 308)
- Require joint standing committees to vote on all recommendations to be included in reports on a bill during a work session on that bill to ensure that minority as well as majority reports are discussed in the public committee process. (Joint Rule 310)

Technical Changes

- Correct an earlier drafting error in the current joint rules to clarify that before any bill is passed to be enacted, it must be reported by the Committee on Engrossed Bills to be truly and strictly engrossed. (Joint Rule 405)

Please see Appendix A for the full text of recommended changes to the current joint rules.

II. OTHER ISSUES

The subcommittee also discussed the following issues and recommends that no further amendments be made to other joint rules at this time.

Legislative Security

The current security system to ensure the safety of Legislators in the Capitol was reviewed and discussed. Members of the subcommittee raised concerns about past incidents in which Legislators felt intimidated or were harassed by members of the public in the halls outside their respective chambers. Upon reviewing the current legislative security system, the subcommittee recognizes that the issue of security is one of resources and logistics more than it is one of the lack of authority to ensure safety. Please see Appendix B for a brief overview of provisions governing Maine's current legislative security system.

Financial limitations do not make it feasible to employ a plain clothes law enforcement officer to watch each chamber during the legislative session as once was the case. Although the subcommittee recommends no amendments to the joint rules at this time, the subcommittee is pleased to learn that the current Sergeant-at-Arms of the House of Representatives completed the Criminal Justice Academy's preservice law enforcement officer training this fall. The Chief of Capitol Security also attended a conference in Texas about legislative security issues.

Expanding Native American Representation

The subcommittee discussed whether to add a Joint Rule that would establish permanent seats on joint standing committees for the member of the Penobscot Indian Nation and the member of the Passamaquoddy Tribe elected to represent their people during the biennial session of the Legislature. The subcommittee agreed that it was appropriate to amend the House Rules to allow tribal representatives to sit on joint standing committees, which is consistent with House Order 17, sponsored by Rep. Benedikt and passed on April 6, 1995.

The subcommittee also discussed expanding tribal representation in the Maine House of Representatives and seats on joint standing committees to include the Aroostook Band of Micmacs and the Houlton Band of Maliseets, in addition to the Penobscot Indian Nation and the Passamaquoddy Tribe. The subcommittee referred the question of tribal representation in the Legislature to the Maine Indian Tribal-State

Commission and the Task Force on Tribal-State Relations. The task force has not yet had time to meet, thoroughly discuss and report its recommendations to the subcommittee. We recommend no changes be made until the task force has the opportunity to report its findings.

Line Item Veto

Article IV, Part 3, §2-A of the Maine Constitution gives the Governor the authority to disapprove any dollar amount appearing in an appropriation section, an allocation section or both of an enacted legislative document. Since one chamber cannot direct the actions of the other, the subcommittee hopes that the chambers will cooperate in coordinating their efforts in responding to line item vetoes. We recommend that each body, through its own rules, determine how it will deal with an enacted legislative document with a line item veto when it is received.

Legislative Review of Agency Rules

The subcommittee discussed legislative review of agency rules only briefly upon learning that the Legislative Council plans to address this issue. Please see Appendix C for a summary outlining the responsibilities of the joint standing committees in the agency rule review process.

Concept Drafting

Concept drafting was discussed briefly but was recognized as an issue not within the scope of a joint rule change.

Length of Floor Debate

Limiting the length of floor debate was raised, but the subcommittee determined this issue would be handled more appropriately by each individual chamber.

Fiscal Notes

Fiscal notes and the fiscal note process were discussed, and the subcommittee recommends that orientation for new and returning Legislators include a detailed component regarding the fiscal note process. The subcommittee also recommends that the Office of Fiscal and Program Review distribute final fiscal notes to the clerk of each committee, who will then distribute copies to the sponsor of the bill and to the members of the joint standing committee of jurisdiction.

III. FINAL COMMENTS

The subcommittee would like to reiterate the importance of educating new and returning Legislators about the rules that govern their work, as well as the importance of reviewing and amending the joint rules to adapt to the necessary tasks of the Legislature.

In order to ensure that this does happen, this subcommittee recommends that a new Subcommittee on Rules be appointed at the beginning of the 118th Legislature.

Thank you for your attention to these matters. We look forward to answering any questions that you may have regarding our recommendations.

PROPOSED NEW JOINT RULE 108

Presented by Senator S. Peter Mills

October 30, 1996

Rule 108. Confidential Communications.

All confidential communications made by a department of State Government to members of the Legislature must be kept confidential until the Legislature by resolution removes the injunction of secrecy.

NOTE TO JR 108: This is a substantive change that proposes a new rule to address the issue of confidential information that is communicated to members of the Legislature by a department of State Government. The new rule requires that members keep such information confidential until the Legislature votes to remove the injunction of secrecy.

APPENDIX A

JOINT RULES 203 and 207

Rule 203. Cloture for Legislators at the Second Regular ~~or Special Sessions~~ Session.

The Legislative Council shall set a cloture date and establish procedures for submission of legislation by Legislators to the Revisor of Statutes at a second regular ~~or special~~ session. Procedures established for each second regular session must ensure compliance with the requirements of the Constitution of Maine, Article IV, Part Third, Section 1.

Any vote of the Legislative Council to accept or reject a bill or resolve proposed for introduction under the procedures established under this Joint Rule must be taken by the yeas and nays, and that vote must be recorded and made available for public inspection.

Rule 207. Disclosure of Titles of Bills and Resolves.

1. Legislator and Department Bills. The names of sponsors and the titles of requests for bills and resolves submitted by legislators or by departments, agencies or commissions become public information on the cloture date, and a list of titles and sponsors must be published as soon as practicable after cloture. The names of sponsors and the titles of requests for bills and resolves submitted after cloture are public information when transmitted to the Legislative Council pursuant to Joint Rule 205. The names of sponsors and the titles of requests for bills and resolves submitted for a special session are public information when transmitted to the Legislative Council.

2. Governor Bills. The titles of requests for bills and resolves submitted by the Governor are considered public information upon filing. The Governor may direct that the title of a particular bill or resolve remain confidential until that bill or resolve is printed.

NOTE TO JR 203 AND JR 207: These are substantive changes that eliminate the requirement that the Legislative Council set a cloture date for legislation submitted for a special session and that specify that the names of sponsors and the titles of requests for bills and resolves submitted for a special session are public information when transmitted to the Legislative Council. The changes also clarify that the names of sponsors and the titles of requests for bills and resolves submitted after cloture are public information when transmitted to the Legislative Council.

JOINT RULE 308

Rule 308. Reference of Bills to Committee.

All bills and resolves must be referred to committee, except that this provision may be suspended by a majority vote in each chamber.

1. Legislature in Session. When the Legislature is in session, the Secretary of the Senate and the Clerk of the House shall jointly suggest an appropriate committee reference for every bill, resolve and petition offered. The suggested reference must be placed upon the Advance Journal and Calendar of each chamber. If they are unable to agree, the question of reference must be referred to a conference of the President of the Senate and the Speaker of the House. Upon their agreement, the suggested reference must be placed upon the Advance Journal and Calendar of each chamber. If they are unable to agree, the question of suggested reference must be referred to the Legislative Council for resolution. Upon the decision of the Legislative Council, the suggested reference must be placed upon the Advance Journal and Calendar of each chamber.

Each suggested reference appearing upon the Advance Journal and Calendar of each chamber must contain a recommendation for the printing of the document being referred and may contain a recommendation on the number of copies of that document to be printed.

Any member may move for reconsideration of a committee reference on the floor. Notwithstanding House Rule 53, Senate Rule 33 and Joint Rule 103, a majority vote is necessary to overturn the original committee of reference.

2. Legislature not in Session. When the Legislature is not in session or is in recess for more than four days, the Secretary of the Senate and Clerk of the House may refer the bills to the appropriate joint standing committee for public hearing and order printing, subject to the approval of the President of the Senate and the Speaker of the House.

3. Reference to More Than One Committee. When a bill or resolve has a subject matter that falls within the jurisdiction of more than one committee, suggested references may be made and the full Legislature may vote to refer a bill or resolve to more than one committee. When references are made to more than one committee, the first named committee is responsible for the scheduling and conduct of all public hearings and work sessions. Committees to whom a bill or resolve is referred pursuant to this rule shall participate equally in all public hearings and work sessions and shall make a joint report or joint reports. If a member serves on more than one committee to whom a bill or resolve is referred, that member may cast only one vote.

PROPOSED AMENDMENT TO JOINT RULE 310

Presented by Senator S. Peter Mills

October 30, 1996

Rule 310. Reports of Bills from Committee.

2. Committee Reports. The report of the committee must include a recommendation. Recommendations that may be made are:

- Ought to Pass
- Ought to Pass as Amended
- Ought to Pass in New Draft
- Ought Not to Pass
- Refer to Another Committee

The committee shall vote on all recommendations to be included in reports on a bill during a work session on that bill. When the committee recommendation is not unanimous, a minority report or reports are required. **The recommendations “Ought to Pass as Amended” and “Ought to Pass in New Draft” may not be made without the votes and signatures of at least two committee members.** All reports on any legislative document must be submitted to the Legislature at the same time.

NOTE TO JR 310: The bold, underscored language is a substantive change that requires “Ought to Pass as Amended” and “Ought to Pass in New Draft” reports to have the votes and signatures of at least two committee members.

NOTE TO JR 308: This is a substantive change that allows the full Legislature to vote to refer a bill or resolve to more than one committee if the bill or resolve has a subject matter that falls within the jurisdiction of more than one committee. Committees to whom a bill or resolve is referred shall participate equally in all public hearings and work sessions and shall make a joint report or joint reports. If a member serves on more than one committee to whom a bill or resolve is referred, that member may vote only one time.

JOINT RULE 310

Rule 310. Reports of Bills from Committee.

1. Deadline for Reports. The joint standing committees shall report out every bill that has been referred to them in the manner prescribed in these rules and in accordance with deadlines established by the presiding officers.

2. Committee Reports. The report of the committee must include a recommendation. Recommendations that may be made are:

- Ought to Pass
- Ought to Pass as Amended
- Ought to Pass in New Draft
- Ought Not to Pass
- Refer to Another Committee

The committee shall vote on all recommendations to be included in reports on a bill during a work session on that bill. When the committee recommendation is not unanimous, a minority report or reports are required. All reports on any legislative document must be submitted to the Legislature at the same time.

3. Unanimous Ought Not to Pass Report. When a joint standing committee votes unanimously to report a bill "Ought Not to Pass," the committee shall notify the presiding officers, the sponsor and the cosponsors of the bill of their action. This communication must appear on the calendar in each chamber, and the bill, upon notification of both chambers, must be placed in the legislative file and may be recalled only as provided in Rule 404.

4. Ought to Pass in New Draft Report. When the changes voted by the committee are major, the committee may elect to report the bill out "Ought to Pass in New Draft," with authorization of the presiding officers. When a plurality of the committee recommends this report, the chairs shall submit a request for authority to report the bill out in this fashion. ~~When the committee recommendation is not unanimous, a minority report is required.~~ New drafts printed pursuant to these rules must include the legislative document number that the new bill replaces and the names of the

original sponsor and cosponsors. The Secretary of the Senate and the Clerk of the House shall determine the number of copies that must be printed of each new draft.

5. Committee Voting. The committee clerk shall prepare the committee jacket or jackets following the vote and obtain signatures from committee members as required. If all members are not present for the vote, the bill must be held until the following periods have expired.

A. If any member is absent from the State House and the State Office Building at the time of the vote, that member's vote may be registered with the clerk up until noon on the 2nd business day following the vote.

B. If any member is absent from the committee at the time of the vote but present in the State House or the State Office Building, that member's vote may be registered with the clerk up until 5:00 p.m. on the day of the vote.

A member may abstain from voting only for a conflict of interest under Joint Rule 104.

Except for a motion to adjourn, a question may not be decided and an official action may not be taken in the absence of a quorum.

NOTE TO JR 310: This rule makes a substantive change to require joint standing committees to vote on all recommendations to be included in reports on a bill, including majority and minority reports, during a work session on that bill. A recodification change is also made to delete unnecessary language.

JOINT RULE 405

Rule 405. Engrossing of Bills.

Notwithstanding Senate Rule 23 and House Rule 48, the President of the Senate or the Speaker of the House may order any bill or resolve to be engrossed upon its introduction to either the Senate or the House. Any bill or resolve engrossed pursuant to this Rule must be committed to the Committee on Engrossed Bills, whose duties are to examine the engrossed bills and resolves and to see that the engrossed bills and resolves have been truly engrossed. Before any bill ~~is~~ passed ~~is~~ to be enacted, or any resolve finally passed, it must be reported by that committee to be truly and strictly engrossed, and the title thereof read by the President or the Speaker.

NOTE TO JR 405: This is a technical change to correct a drafting error to clarify that before any bill is passed to be enacted, it must be reported by the Committee on Engrossed Bills to be truly and strictly engrossed.

APPENDIX B

Summary of Security Resources in the Capitol Area

- The Commissioner of the Department of Public Safety, subject to the Governor's approval, is authorized to adopt rules regarding the use and occupancy of all parks, grounds and buildings maintained by the State at the Capitol Area. **(see 25 MRSA §2904, sub-§1)**
- The only exception to the Commissioner's rule-making authority regarding security in the Capitol Area is that officials of governmental units, including the Legislative Council, may adopt rules governing access, use and occupancy of buildings and public property under their respective supervisions. Prior to the adoption of any such rule, the official shall consult with the Commissioner who must be given an opportunity to review and comment on the proposed rule. Rules adopted pursuant to this provision may be suspended to the extent necessary at any time when the Commissioner determines an emergency exists; however, rules governing legislative offices may not be suspended without the consent of the Legislative Council. The Commissioner shall enforce rules adopted pursuant to this provision consistent with available resources and funding.* **(see 25 MRSA §2904, sub-§2)**
- Pursuant to rule, the Commissioner may close, secure and limit access to all or a portion of the Capitol Area when the state offices are closed or, without prior notice, at any other time when all or a part of the Capitol Area becomes jeopardized by the actions of any person or persons. **(see Department of Public Safety, Bureau of Capitol Security: Chapter 41 Capitol Area Security Rules, Regulation 2 A)**

* The Bureau of Capitol Security, which is responsible for security regarding the use and occupancy of all parks, grounds, and buildings maintained by the State at the Capitol Area and other state controlled locations in Augusta, currently has the following staff: 1 Director, 1 Sergeant, 4 Security Officers, 3 Watchpersons and a Clerk Typist II. Watchpersons work from 11:00 p.m. to 7:00 a.m. and are responsible for external security (securing doors and windows), including that of the Stevens School in Hallowell. To satisfy potential security needs at legislative public hearings and work sessions, a Security Officer, the Sergeant or the Director will attend, which decreases the number of officers who can respond to other security needs in the Capitol Area. Several other state agencies, inside and outside the Capitol Area including the Departments of Professional and Financial Regulation, Human Services and Transportation, often require full-time security during working hours. Instead of contracting with a private company, Capitol Security Officers work overtime shifts to cover these needs. (Special revenues were projected to cover the cost of hiring additional security for this purpose, but to date insufficient revenues have not made this possible.)

- Pursuant to rule, a person may not cause or participate in any type of demonstration in the Capitol Area without prior written permission for the demonstration from the Commissioner of Public Safety. Similarly, a person may not use part of the Capitol Area for an activity without prior written permission of the Commissioner. A person's request for such permission must include the specific intended use and the persons responsible for supervising the activity. **(see Department of Public Safety, Bureau of Capitol Security: Chapter 41 Capitol Area Security Rules, Regulations 2 B and 2 M)**
- Upon conviction for violation of any rule, a person shall pay a fine of not more than \$50 per offense. **(see 25 MRSA §2910)**

LEGISLATIVE REVIEW OF AGENCY RULES

Under P.L. 1995, Chapter 463

RULES AFFECTED

After 1/1/96 new rule-making legislation must categorize rules into one of two types: routine-technical and major-substantive. **Routine-technical** rules are not expected to be controversial or to have a significant public impact and are subject to current APA rule-making requirements. **Major-substantive** rules, because of their subject matter or anticipated impact, are subject to an additional requirement -- review by the Legislature -- before they may be finally adopted. The new requirements apply only to major-substantive rules authorized by legislation enacted after 1/1/96.

MAJOR-SUBSTANTIVE RULES

Agency Action

- Legislative grant of rulemaking authority is merely permission to provisionally adopt rules subject to legislative review.
- Normal APA rule-making process applies (including: notice, comment period, optional public hearing, AG approval) until point of adoption.
- Submit provisionally adopted rule to Legislature for review (see attached Time Frame for Review).
- Rules must be submitted at least 45 days before statutory adjournment of regular session to guarantee review during that session. Otherwise review may be delayed until next session and rule may not be implemented during that delay.
- Agency may not finally adopt a rule until it has been reviewed by the Legislature.

Legislative Review

- Rules timely filed for review are referred to the joint standing committee of jurisdiction for consideration.
- Committees have until 30 days before statutory adjournment to issue a report to the full Legislature.
- The Legislature may enact legislation approving, disapproving or amending all or part of a provisionally adopted rule. If the Legislature fails to act, the agency may finally adopt the provisional rule.
- If the timing is convenient, the Legislature may review and approve rules at a special session.

Committee Process

- Committee must meet to discuss each provisional rule referred to it; committee may consider more than one rule or rules of more than one agency at a meeting.
- A public hearing may be held; notice must be given in same manner as for hearing on bills.
- Criteria for review:
 - Has the agency exceeded the scope of its authority?
 - Does the rule conform to Legislative intent?
 - Does the rule conflict with other rules or laws?
 - Is the rule necessary to carry out the law?
 - Is the rule reasonable?
 - Could the rule be less complex or made more easily understandable?
 - Have the proper procedures been followed in adopting the rule?
- Possible committee recommendations:
 - That the Legislature authorize the final adoption of the rule;
 - That the Legislature authorize the final adoption of a specified part of the rule;
 - That the Legislature authorize the final adoption of the rule with certain specified amendments; or
 - That the final adoption of the rule be disapproved by the Legislature.
- Committee must notify the agency of its recommendation
- Committee report must include implementing legislation.

FINAL ADOPTION

- Provisional rule must be finally adopted by the agency within 60 days after the effective date of legislation approving the rule or after the date of adjournment if no legislation is enacted.
- Finally adopted rules may take effect no sooner than 30 days after filing with the Secretary of State.

TIME FRAME FOR LEGISLATIVE REVIEW OF AGENCY RULES

CYCLE 1 -- BEGINNING IN FIRST REGULAR SESSION

- JAN-JUN:** Legislation authorizing major-substantive rule considered and enacted
- JUL-SEP:** Agency interprets law, plans for rule adoption, drafts proposed rule, and files regulatory agenda
- SEP:** Effective date of legislation
- OCT-DEC:** Agency conducts rulemaking proceeding and adopts provisional rule
- DEC-FEB:** Agency files provisional rule with Legislature for consideration in 2d session (Not later than 45 before statutory adjournment)
Rule referred to appropriate joint standing committee
- JAN-MAR:** Committee considers rule
- MAR:** Committee votes on rule and reports to full Legislature (Not later than 30 days before statutory adjournment)
- MAR-APR:** Legislature considers committee report and enacts legislation approving or rejecting the rule.
(Failure of Legislature to act permits agency to adopt rule)

CYCLE 2 -- BEGINNING IN SECOND REGULAR SESSION

- JAN-APR:** Legislation authorizing major-substantive rule considered and enacted
- MAY-JUL:** Agency interprets law, plans for rule adoption, drafts proposed rule, and files regulatory agenda
- JUL:** Effective date of legislation
- AUG-DEC:** Agency conducts rulemaking proceeding and adopts provisional rule
- DEC-APR:** Agency files provisional rule with Legislature for consideration in 1st session (Not later than 45 before statutory adjournment)
Rule referred to appropriate joint standing committee
- JAN-MAY:** Committee considers rule
- MAY:** Committee votes on rule and reports to full Legislature (Not later than 30 days before statutory adjournment)
- MAY-JUN:** Legislature considers committee report and enacts legislation approving or rejecting the rule
(Failure of Legislature to act permits agency to adopt rule)