

## WHO FILES WHAT??? WHO NOTIFIES WHOM???

### GUBERNATORIAL/LEGISLATIVE APPROVALS/DISAPPROVALS

#### Gubernatorial APPROVAL of . . .

- . . . permanent rules:**
- \* Governor notifies agency, House, and Senate.
  - \* As soon as possible after being notified of approval by Governor, agency files Notice of Gubernatorial Approval (GA) with OAR for publication in the *Register*.

- . . . emergency rules:**
- \* Governor notifies agency, House, Senate, and OAR.
  - \* As soon as possible after receiving "red-marked" or "format approved" pages from OAR, agency files emergency rule document with OAR for publication in the *Register*.

#### Gubernatorial DISAPPROVAL of . . .

- . . . permanent rules:**
- \* Governor returns entire document to agency with reasons for disapproval.
  - \* Governor notifies House and Senate.
  - \* As soon as possible after being notified of disapproval by Governor (or after Governor fails to approve the rules within 45-calendar-day review period), agency files Notice of Gubernatorial Disapproval (GD) with OAR for publication in the *Register*.

- . . . emergency rules:**
- \* Governor returns entire document to agency with reasons for disapproval.
  - \* Governor notifies House, Senate, and OAR within 15 days of disapproval.
  - \* Agency is not required to file a Notice of Gubernatorial Disapproval (GD) for publication in the Register.

#### Legislative APPROVAL of . . .

- . . . permanent rules:**
- \* No notification required from Legislature or by agency.

- Legislature may **actively** approve the rules:
  - by joint resolution, or
  - by waiving their 30-legislative-day review period by concurrent resolution, resulting in approval.

**... emergency rules:** \* N/A

## Legislative **DISAPPROVAL** of ...

- ... permanent rules:**
- \* APA does not specifically require Legislature to notify agency. (*Note:* Agency must track legislative activity. In practice, however, the concurrent or joint resolution frequently includes language requiring distribution to the issuing agency. And, the agency is frequently notified by staff of the House Administrative Rule Review Committee.)
    - Legislature may by **concurrent resolution** disapprove a proposed permanent rule, in whole or in part, prior to the end of the 30-legislative-day review period.
    - Legislature may by **joint resolution** disapprove a permanent rule, in whole or in part.
  - \* As soon as possible after concurrent resolution is passed by both houses of the Legislature, or joint resolution is signed by Governor (or veto is overridden by Legislature), agency files Notice of Legislative Disapproval (LD) and copy of resolution with OAR for publication in the *Register*.

- ... emergency rules:**
- \* APA does not specifically require Legislature to notify agency. (*Note:* Agency must track legislative activity. In practice, however, the concurrent or joint resolution frequently includes language requiring distribution to the issuing agency. And, the agency is frequently notified by staff of the House Administrative Rule Review Committee.)
    - Legislature may by **concurrent resolution** disapprove an emergency rule prior to such rule becoming effective.
    - Legislature may by **joint resolution** disapprove any rule, current or proposed, while in session.
  - \* As soon as possible after concurrent resolution is approved by both houses of Legislature, or joint resolution is signed by Governor (or veto is overridden by Legislature), agency files Notice of Legislative Disapproval (LD) and copy of resolution with OAR for publication in the *Register*.