

1 4213-S AMS GO S5435.1

2 SHJR 4213 - S COMM AMD

3 By Committee on Government Operations

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5 On page 1, beginning on line 8, strike everything through  
6 "Constitution." on line 19, and insert the following:

7 "Article II, section .... Whenever the legislature finds that an  
8 agency of the executive branch has adopted a rule that is inconsistent  
9 with legislative intent or in excess of the authority of the agency,  
10 the legislature may, by majority vote of all members elected to each  
11 house, adopt a resolution invalidating the rule. The terms of the  
12 resolution must contain the legislature's findings. The resolution  
13 becomes effective ninety days after adjournment of the session at which  
14 the resolution is adopted. This power to invalidate rules does not  
15 apply to agency actions that are of a quasi-judicial nature, nor does  
16 it extend to rules concerning only the internal management of agencies.  
17 Resolutions adopted under this provision are not subject to Article  
18 III, section 12 of this Constitution. When a resolution adopted under  
19 this section is challenged in court, the legislature bears the burden  
20 of proof of the validity of the findings on which the resolution was  
21 based."

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