

**House Bill 4153 (Substitute H-3)
First Analysis (2-23-93)**

**Sponsor: Rep. Sal Rocca
Committee: House Oversight & Ethics**

THE APPARENT PROBLEM:

The Joint Committee on Administrative Rules (JCAR) is a legislative committee with members from both houses of the legislature whose role it is to pass judgment on rules proposed by state agencies. (Typically, rules are proposed in order to implement statutes.) Proposed rules need the approval of JCAR before they can be adopted and promulgated, although the legislature as a whole can act to approve rules not approved by the committee. The JCAR, as established in the Administrative Procedures Act, contains five members from each house of the legislature, three from the majority party and two from the minority party. The 1992 election, however, resulted in a 55-55 split between Republicans and Democrats in the 110-member House of Representatives. An agreement reached by the leadership of the two caucuses and ratified by the body as a whole calls for shared committee chairs and equal representation on committees. The statute governing JCAR needs to be amended for that committee to conform to the leadership agreement and carry out its work.

THE CONTENT OF THE BILL:

The bill would amend the Administrative Procedures Act to alter the composition of the Joint Committee on Administrative Rules (JCAR). The bill would specify that if a joint leadership agreement was in effect in the House of Representatives providing for a co-speakership, JCAR's membership would consist of six members of the House and six members of the Senate. Of the Senate members, four would be from the majority party and two from the minority party. Of the House members, there would be an equal number of Democratic and Republican representatives. If, however, the House elected a single speaker, pursuant to appropriate procedures adopted by the House, JCAR would have five members each from the Senate and the House. Three of the Senate members would be from the

majority party and two from the minority party. In the House, three members would be from the party of the elected speaker, and two from the other party.

The position of JCAR committee chair alternates each year between the two houses. Under the bill, when there was a co-speakership in the House and a House member was to be the JCAR chair, the position of chair would alternate between Republican and Democratic co-chairs on a monthly basis. The Democratic co-chair would preside in months when the presiding officers in the House were Republicans, and the Republican co-chair would preside when the presiding officers in the House were Democrats.

The bill would create a new section of the APA and its provisions would be effective January 13, 1993, and would be repealed December 31, 1994.

FISCAL IMPLICATIONS:

There is no information at present.

ARGUMENTS:

For:

The bill would make the Joint Committee on Administrative Rules conform to the leadership agreement under which the House of Representatives has been organized and is operating. Without this bill, it is not clear that the JCAR could do its work.

POSITIONS:

There are no positions at present.