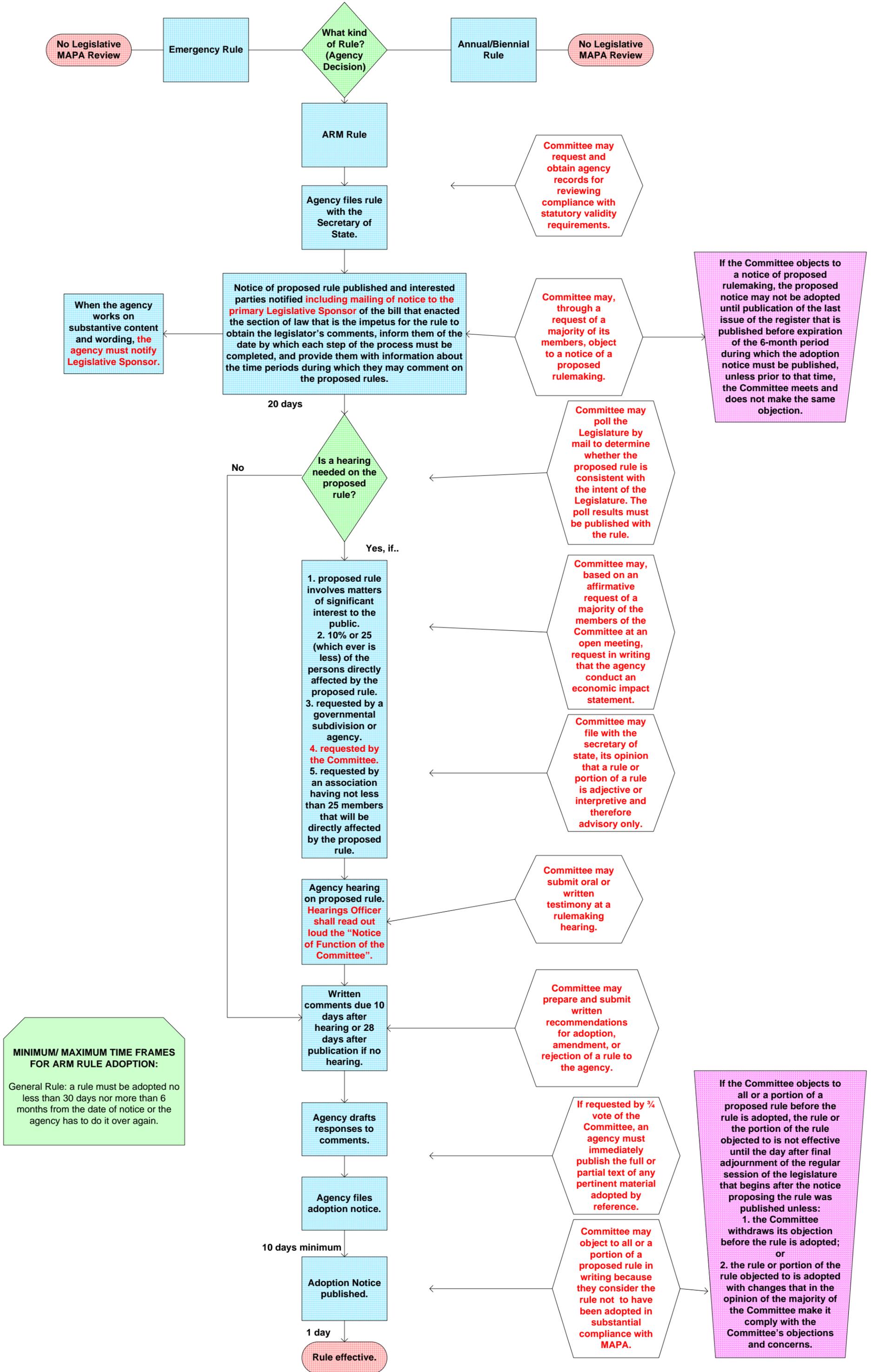


Administrative Rule Review Process



When the agency works on substantive content and wording, the agency must notify Legislative Sponsor.

Notice of proposed rule published and interested parties notified including mailing of notice to the primary Legislative Sponsor of the bill that enacted the section of law that is the impetus for the rule to obtain the legislator's comments, inform them of the date by which each step of the process must be completed, and provide them with information about the time periods during which they may comment on the proposed rules.

20 days

Is a hearing needed on the proposed rule?

No

Yes, if..

1. proposed rule involves matters of significant interest to the public.
2. 10% or 25 (which ever is less) of the persons directly affected by the proposed rule.
3. requested by a governmental subdivision or agency.
4. requested by the Committee.
5. requested by an association having not less than 25 members that will be directly affected by the proposed rule.

Agency hearing on proposed rule. Hearings Officer shall read out loud the "Notice of Function of the Committee".

Written comments due 10 days after hearing or 28 days after publication if no hearing.

Agency drafts responses to comments.

Agency files adoption notice.

10 days minimum

Adoption Notice published.

1 day

Rule effective.

MINIMUM/ MAXIMUM TIME FRAMES FOR ARM RULE ADOPTION:
General Rule: a rule must be adopted no less than 30 days nor more than 6 months from the date of notice or the agency has to do it over again.

Committee may request and obtain agency records for reviewing compliance with statutory validity requirements.

Committee may, through a request of a majority of its members, object to a notice of a proposed rulemaking.

If the Committee objects to a notice of proposed rulemaking, the proposed notice may not be adopted until publication of the last issue of the register that is published before expiration of the 6-month period during which the adoption notice must be published, unless prior to that time, the Committee meets and does not make the same objection.

Committee may poll the Legislature by mail to determine whether the proposed rule is consistent with the intent of the Legislature. The poll results must be published with the rule.

Committee may, based on an affirmative request of a majority of the members of the Committee at an open meeting, request in writing that the agency conduct an economic impact statement.

Committee may file with the secretary of state, its opinion that a rule or portion of a rule is adjective or interpretive and therefore advisory only.

Committee may submit oral or written testimony at a rulemaking hearing.

Committee may prepare and submit written recommendations for adoption, amendment, or rejection of a rule to the agency.

If requested by 3/4 vote of the Committee, an agency must immediately publish the full or partial text of any pertinent material adopted by reference.

Committee may object to all or a portion of a proposed rule in writing because they consider the rule not to have been adopted in substantial compliance with MAPA.

If the Committee objects to all or a portion of a proposed rule before the rule is adopted, the rule or the portion of the rule objected to is not effective until the day after final adjournment of the regular session of the legislature that begins after the notice proposing the rule was published unless:
1. the Committee withdraws its objection before the rule is adopted; or
2. the rule or portion of the rule objected to is adopted with changes that in the opinion of the majority of the Committee make it comply with the Committee's objections and concerns.