Attachment #1 EQC Administrative Rule Review Process 2009-10 What kind No Legislative MAPA Review No Legislative MAPA Review Annual/Biennial of Rule? **Emergency Rule** (Agency Rule Decision) **ARM Rule EQC** may request and obtain agency records for reviewing Agency (DNRC, compliance with FWP, or DEQ) statutory validity files rule with the requirements. Secretary of State. If the EQC objects to a notice of proposed rulemaking, the proposed Notice of proposed rule published and interested EQC may, notice may not be adopted parties notified including mailing of notice to the When the agency through a until publication of the last primary Legislative Sponsor of the bill that enacted works on request of a issue of the register that is the section of law that is the impetus for the rule to substantive content published before expiration majority of its obtain the legislator's comments, inform them of the and wording, the of the 6-month period date by which each step of the process must be members, object agency must notify completed, and provide them with information about to a notice of a during which the adoption Legislative Sponsor. proposed notice must be published, the time periods during which they may comment on unless prior to that time, rulemaking. the proposed rules. the EQC meets and does not make the same 20 days objection. EQC may poll the Legislature by mail to determine whether the Is a hearing proposed rule is No needed on the consistent with proposed the intent of the rule? Legislature. The poll results must be published with the rule. Yes, if.. EQC may, based on an affirmative 1. proposed rule request of a involves matters of significant majority of the members of the interest to the EQC at an open public. meeting, request 2. 10% or 25 (which ever is in writing that the less) of the agency conduct an economic persons directly impact effected by the statement. proposed rule. 3. requested by a governmental subdivision or **EQC** may file with agency. the secretary of 4. requested by state, its opinion the EQC. that a rule or 5. requested by portion of a rule an association is adjective or having not less interpretive and than 25 members therefore that will be advisory only. directly affected by the proposed rule. **EQC** may submit Agency hearing oral or written on proposed rule. testimony at a **Hearings Officer** rulemaking shall read out loud the "Notice of Function of the EQC" Written **EQC** may prepare days after recommendations hearing or 28 for adoption, days after amendment, or rejection of a rule to publication if no MINIMUM/ MAXIMUM TIME FRAMES hearing. FOR ARM RULE ADOPTION: the agency. General Rule: a rule must be adopted no less than 30 days nor more than 6 months from the date of notice or the If requested by 3/4 If the EQC objects to all or Agency drafts agency has to do it over again. vote of the EQC, a portion of a proposed responses to an agency must rule before the rule is comments. immediately adopted, the rule or the publish the full or portion of the rule objected partial text of any to is not effective until the day after final adjournment pertinent material adopted by of the regular session of Agency files reference. the legislature that begins adoption notice. after the notice proposing the rule was published **EQC** may object unless: to all or a portion 1. the EQC withdraws its 10 days minimum of a proposed objection before the rule is rule in writing adopted; or because the EQC 2. the rule or portion of the **Adoption Notice** considers the published. rule objected to is adopted rule not to have with changes that in the been adopted in opinion of the majority of substantial the EQC make it comply 1 day compliance with with the EQC's objections MAPA. and concerns. Rule effective.