

UAPPEAL RULE PROCESS LISTS

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Alabama

(Alabama Administrative Procedure Act: Code of Alabama Title 41 Chapter 22)

STEP 1 – PETITION (IF APPLICABLE)

Any person may petition an agency to adopt, amend or repeal a rule. The agency has 60 days to either deny the petition in writing with its reasons or start the rulemaking process below. If the agency's next meeting is past the 60 days, it can extend the deadline by 30 days with written notice.

STEP 2 – DRAFT

Rule is drafted.

STEP 3 – NOTICE

Notice of the proposed rule is published in the Alabama Administrative Monthly. A notice of intent to adopt, amend or repeal a rule must also be posted on the agency website, or a executive branch-controlled website if none.

STEP 4 – COMMENT PERIOD (SKIP TO STEP 6 IF EMERGENCY)

The public is given between 35 and 90 days to comment on the proposed rule as specified in the bulletin. If there is determined to be an immediate danger to public health, safety or welfare, the rule is considered an emergency rule and can bypass the comment period and hearing.

STEP 5 – COMMENT CONSIDERATION

Agency considers all comments received.

STEP 6 – PUBLIC HEARING

Agency schedules a public hearing on the rule.

STEP 7 - JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW

The rule goes to the Joint Committee on Administrative Regulation Review for review and approval.

STEP 8 – AGENCY ADOPTION

Agency adopts the rule.

STEP 9 – ADOPTION NOTICE

Notice of adoption is published in the Alabama Administrative Monthly.

STEP 10 – AGENCY REVIEW

An agency must review a rule every 5 years to determine whether it should continue as is, be amended or be repealed.

Alaska

Arizona

(Arizona Administrative Procedure Act: ARS 41-1001-41-1093.07)

STEP 1 – PETITION (IF APPLICABLE)

Any person may petition an agency to adopt, amend or repeal a rule. The agency has 60 days to either deny the petition in writing with its reasons or start the rulemaking process below. If denied, the petitioner has 30 days to appeal to the governor's regulatory review council.

STEP 2 – DRAFT

The proposed rule is drafted.

STEP 3 – NOTICE (SKIP TO STEP 8 IF EMERGENCY)

Agency prepares a notice of proposed rulemaking to make, amend, renumber or repeal a rule along with how comments can be made and any public hearing. If an expedited rule, notice of proposed expedited rulemaking must be sent to governor, House, Senate and council.

STEP 4 – ARIZONA REGISTER

Notice of proposed rulemaking or notice of proposed expedited rulemaking is published in the Arizona Register. Expedited rules must also be posted on the agency website.

STEP 5 – PUBLIC COMMENT

The public is given at least 30 days to comment on the proposed rule in the manner and by the deadline listed in the register.

STEP 6 – PUBLIC HEARING

Agency may schedule a public hearing on the rule.

STEP 7 – SUPPLEMENTAL NOTICE (SKIP IF NONE OR EXPEDITED)

If substantial changes are approved after hearing comments, a notice of supplemental rulemaking is published. Expedited rules may not be substantially changed; the agency must submit a new rule.

STEP 8 – SUPPLEMENTAL PUBLIC COMMENTS (SKIP IF NONE OR EXPEDITED)

Supplemental notices allow for another public comment period in the manner and deadline posted.

STEP 9 – RULE ADOPTION

Rule is adopted by the agency at a meeting.

STEP 10 – GOVERNOR'S REGULATORY REVIEW COUNCIL (SKIP IF EXEMPT OR EMERGENCY RULE)

Rule is sent to the governor's regulatory review council. Rules that pertain to seasons, bag and possession limits of wildlife, fees, establishing licenses or fees, and limits of licenses for nonresidents are considered exempt rules along with certain other types of rules. Emergency rules are also excluded.

STEP 11 – ATTORNEY GENERAL (EMERGENCY RULES ONLY)

Rule is sent to Attorney General for review and approval. It has 60 days.

STEP 12 – SECRETARY OF STATE

If approved by the council, a notice of final rulemaking or notice of final expedited rulemaking is filed with the Secretary of State and published in the register.

STEP 13 – EFFECTIVE DATE

Rules become effective 60 days after filing except when the agency requests and is approved to make it take effect immediately. The agency can also provide a later effective date with good cause. Emergency rules become effective immediately and last for 180 days unless extended. Expedited rules become effective immediately.

Arkansas

(Arkansas Administrative Procedure Act: ACA 25-15-201 et. seq.)

STEP 1 – DRAFT

Rule is drafted

STEP 2 – NOTICE (SKIP TO STEP 8 IF EMERGENCY RULE)

Notice of the proposed rule is published in a newspaper for 3 days and by the Secretary of State in the Arkansas Register for 30 days with time, location and manner of public comments. If the rule is to address imminent peril to public health, safety or welfare or to comply with federal law or regulation, no advanced notice or public hearing is required. However, the agency may post an abbreviated notice or hold a hearing if it so chooses.

STEP 3 – PUBLIC COMMENT

Public is given 30 days to comment on the proposed rule in the manner and by the deadline listed in the notice.

STEP 4 – PUBLIC HEARING (OPTIONAL)

If 25 people, government agency or an association with at least 25 members request a hearing, the agency must schedule one.

STEP 5 – LEGISLATIVE COUNCIL

Agency sends the proposed rule to the Legislative Council for review at least 30 days before the comment deadline.

STEP 6 – EXECUTIVE SUBCOMMITTEE (EMERGENCY RULE ONLY)

Emergency rules are sent to the Executive Subcommittee where it is reviewed and approved at a meeting.

STEP 7 - ADMINISTRATIVE RULES SUBCOMMITTEE

The Legislative Council sends the rule to its Administrative Rules Subcommittee, where it reviews it, allows public comments on it, and approves it.

STEP 8 – LEGISLATIVE COUNCIL (OPTIONAL)

The Administrative Rules Subcommittee may request the Legislative Council to review and approve it.

STEP 9 – RULE ADOPTION

Rule is adopted by the agency at a meeting.

STEP 10 – SECRETARY OF STATE

A notice of adoption of a proposed rule is sent to the Secretary of State and posted in the Arkansas Register.

STEP 11 – BUREAU OF LEGISLATIVE RESEARCH

The Bureau of Legislative Research adds the rule change to the Code of Arkansas Rules.

STEP 12 – EFFECTIVE DATE

Rules take effect 10 days after filing unless a different date is listed. Emergency rules take effect immediately and last for up to 120 days unless renewed.

STEP 13 – RULE REVIEW

The Legislative Council has divided all agencies into 6 groups and schedules a review of 1 every 2 years that starts Oct 1 after the regular legislative session ends and goes until Sep 30 of the next year. During its scheduled review, the agency must submit a rule report that lists each rule and whether it wants to extend or repeal each one. If the Legislative Council declines to extend a rule or accepts the agency decision to repeal it, it is repealed effective when specified by the Council or 180 days after its meeting.

California

(California Administrative Procedure Act: Government Code Title 2, Division 3, Part 1, Chapter 3.5)

STEP 1 – PETITION (IF APPLICABLE)

Any person may petition an agency to adopt, amend or repeal a rule. The agency has 30 days to either deny the petition in writing with its reasons or schedule it for a hearing. The person may request a reconsideration of the decision within 60 days.

STEP 2 – DRAFTED

Rule is drafted.

STEP 3 – NOTICE

Notice of proposed action is published in the California Regulatory Notice Register, which includes the contact person and address and deadline for comments along with any public hearing scheduled. The agency must also post an Express Terms, Initial Statement of Reasons and Economic and Fiscal Impact Statement. The agency can also file emergency rules to avoid serious harm to the public peace, health, safety or general welfare, where only a brief notice is required.

STEP 4 – PUBLIC COMMENTS

The public is given at least 45 days to comment on the proposed rule in the manner and by the deadline listed in the notice. For emergency rules, comments are due within 5 days of posting and must go directly to the Office of Administrative Law.

STEP 5 PUBLIC HEARING (OPTIONAL – SKIP IF EMERGENCY RULE)

If a public hearing is not scheduled, a person may submit a written request for one at least 15 days before the comment deadline. If scheduled, a hearing must be scheduled at least 45 days after publishing in the register. No hearing is required for emergency rules.

STEP 6 – PROPOSED CHANGES (OPTIONAL)

If changes are made to the rule, notice is published. The public is then given at least 15 days to comment.

STEP 7 – CONSIDERATION OF COMMENTS (OPTIONAL IF EMERGENCY RULE)

The agency must review all comments and include any changes based on each comment or any reason for rejecting the comment. They are included in the rulemaking in a Final Statement of Reasons. For emergency rules, the agency is not required to review comments, and if it does, it has 8 days from the date of the notice to respond.

STEP 8 – RULE ADOPTION

The agency adopts the rule at a meeting.

STEP 9 – OFFICE OF ADMINISTRATIVE LAW (OAL)

Agency sends the adopted rule to the OAL for review within 1 year after notice is filed. It has 30 working days to review and either approve or disapprove it. For emergency rules, the agency has 10 days to respond.

STEP 10 – SECRETARY OF STATE

OAL submits the rule to the Secretary of State for filing.

STEP 11 – EFFECTIVE DATE

Rule becomes effective on Jan 1 if filed Sep 1 – Nov 30, Apr 1 if filed Dec 1 – Feb 29, Jul 1 if filed Mar 1 – May 31, or Oct 1 if filed Jun 1 – Aug 31. The agency can also list a later date or an earlier date with good cause. Emergency rules take effect immediately upon filing and last up to 180 days unless extended an additional 90 days up to two times. Emergency rules can become permanent if adopted through regular rulemaking during the emergency effective period and a certificate of compliance is filed and approved by OAL within 30 working days. Permanent emergency rules take effect immediately after filing.

Colorado

<https://coprrr.colorado.gov/rulemaking-and-cost-benefit-analysis>

(Colorado Administrative Procedure Act: CRS 24-4)

STEP 1 – PETITION (IF APPLICABLE)

Any person may petition an agency to adopt, amend or repeal a rule. If it decides to proceed, it must follow the rulemaking process below.

STEP 2 – DRAFTED

Rule is drafted.

STEP 3 – NOTICE

A notice of proposed rulemaking with rule text is filed with the Secretary of State and published in the Colorado Register.

STEP 4 – COLORADO OFFICE OF POLICY, RESEARCH & REGULATORY REFORM (COPRRR)

Agency sends copy of the proposed rule to the COPRRR.

STEP 5 – COST BENEFIT ANALYSIS (OPTIONAL)

Public may request the COPRRR require a cost benefit analysis from the agency within 5 days of the notice.

STEP 6 – REGULATORY ANALYSIS (OPTIONAL)

Public may request a regulatory analysis from the agency at least 15 days before the hearing.

STEP 7 – COST BENEFIT ANALYSIS PUBLISHED (OPTIONAL)

If requested, the cost benefit analysis must be posted at least 10 days before the hearing.

STEP 8 – REGULATORY ANALYSIS PUBLISHED (OPTIONAL)

If request, regulatory analysis must be published at least 5 days before the hearing.

STEP 9 – PUBLIC COMMENT

Public is given time to comment on the proposed rule in the manner and by the deadline listed in the notice.

STEP 10 – PUBLIC HEARING

Agency holds a public hearing on the rule where the public can testify.

STEP 11 – RULE ADOPTION

Agency adopts the rule proposal during a meeting.

STEP 12 – ATTORNEY GENERAL

Adopted rule goes to Attorney General for review and approval.

STEP 13 – FINAL NOTICE

Notice of the adopted rule is published in the Colorado Register.

STEP 14 – SECRETARY OF STATE

Adopted rule is sent to the Secretary of State for filing. The agency has 180 days to submit it.

STEP 15 – EFFECTIVE DATE

Rule takes effect 20 days after filing or a later date listed in the rule.

STEP 16 – AGENCY REVIEW

An agency must review all its rule as listed on the schedule of the Department of Regulatory Agencies. It must post a notice of the review on its website, allow comments, notify other impacted agencies, and then determine whether each rule should stay as is, be amended or be repealed. Rules that are to be amended or repealed must follow the rulemaking process above.

Connecticut

<https://eregulations.ct.gov/eRegsPortal/Information/Index/RegulationMaking>

(Connecticut Administrative Procedure Act: 4 CAS Chapter 54)

STEP 1 – PETITION (IF APPLICABLE)

Any person may petition an agency to adopt, amend or repeal a rule. The agency has 30 days to either deny the petition in writing with its reason or start the rulemaking process below.

STEP 2 – DRAFTED

Proposed rule is drafted.

STEP 3 – NOTICE

Notice of intent to adopt a regulation is published on eRegulations System. A fiscal note, or a note with the estimated cost to enforce the rule is included.

STEP 4 – PUBLIC COMMENT PERIOD

The public is given at least 30 days to comment on the proposed rule in the manner and by the deadline in the notice.

STEP 5 – PUBLIC HEARING (OPTIONAL)

Agency may schedule a public hearing on the rule. If a hearing request is submitted within 14 days of the notice by at least 15 people, a governmental subdivision or agency or an association with at least 15 members, the agency is required to schedule a hearing.

STEP 6 – RULE ADOPTION

Rule is adopted by the agency at a meeting.

STEP 7 – ATTORNEY GENERAL (SKIP IF EMERGENCY RULE)

The agency sends the adopted rule to the Attorney General to review and certify it.

STEP 8 – LEGISLATIVE REGULATION REVIEW COMMITTEE (LRRC)

The agency sends the adopted rule to the Legislative Regulation Review Committee for approval. It can approve, disapprove or reject it.

STEP 9 – REVISION (IF APPLICABLE)

If the LRRC rejects the rule, the agency can amend and resubmit the rule.

STEP 10 – GENERAL ASSEMBLY (IF APPLICABLE)

If the LRRC disapproves a rule, the General Assembly during the legislative session can either sustain or reverse the decision.

STEP 11 – SECRETARY OF STATE

If approved by LRRC, rule is sent within 10 days to the Secretary of State for publishing on eRegulations System.

STEP 12 – PUBLISHED

Rule is published in the Regulations of Connecticut State Agencies.

STEP 13 – EFFECTIVE DATE

Adopted rules take effect after being published on eRegulations System.

Delaware

<https://regulations.delaware.gov/citizen.shtml>

(Delaware Administrative Procedure Act: 29 Del. Laws Chapter 101)

STEP 1 – PETITION (IF APPLICABLE)

Any person may petition an agency to adopt, amend or repeal a rule. The agency, at its next meeting, must either deny the petition in writing with its reasons or start the rulemaking process below. If the petition is received less than 5 days before the meeting, it can be decided at the next one.

STEP 2 – DRAFTED

Proposed rule is drafted.

STEP 3 – NOTICE

Notice of the proposed rulemaking is filed in the Delaware Register of Regulations. It must include the manner and deadline for comments along with the date, time and location of any hearing. Emergency rules for imminent peril of public health, safety or welfare do not require a notice or public hearing. However, the agency may post an abbreviated notice and have a hearing.

STEP 4 – PUBLIC COMMENT

Public is given at least 30 days to comment on the proposed rule in the manner and by the deadline in the notice.

STEP 5 – PUBLIC HEARING

The agency must schedule any public hearing within 20 days of the notice and must publish it in at least 2 state newspapers.

STEP 6 – ADDITIONAL PUBLIC COMMENT

If a hearing is scheduled, public comment is extended at least 15 days after the hearing.

STEP 7 – REVISED RULE (SKIP IF NONE)

If the agency makes substantial changes to the rule, the agency must repeat the process.

STEP 8 – RULE ADOPTION

Rule is adopted by the agency at a meeting.

STEP 9 – PUBLISHED

Adopted rule is published in the Register of Regulations.

STEP 10 – EFFECTIVE DATE

Adopted rule takes effect at least 10 days after publishing. Emergency rules take effect after publishing and last up to 120 day or an additional 60 days if extended.

Florida

(Florida Administrative Procedure Act: 10 FS Part X, Ch. 120)

STEP 1 – DRAFTED

Agency drafts the proposed rule.

STEP 2 – NOTICE

Notice of rule development published in Florida Administrative Register.

STEP 3 – JOINT ADMINISTRATIVE PROCEDURES COMMITTEE (JAPC)

Agency sends a copy of the rule to the Joint Administrative Procedures Committee for review at least 21 days before it is adopted. The committee reviews it for errors and submits any recommendations to the agency.

STEP 4 – PUBLIC HEARING

Public can request a hearing within 21 days after notice.

STEP 5 – RULE CHANGE (SKIP IF NONE)

If the rule is changed based on the JAPC or public hearing, a notice of change is published in the Florida Administrative Register and with JACP.

STEP 6 – JAPC

The agency notifies the JAPC at least 7 days before adoption of the rule if no changes. JAPC certifies with the Department of State that all comments and inquiries were addressed by the agency.

STEP 7 – RULE ADOPTION

The agency adopts the rule at a meeting.

STEP 8 – DEPARTMENT OF STATE

Agency submits the adopted rule to the Department of State.

STEP 9 – PUBLISHED

Adopted rule is published in the Florida Administrative Rules.

STEP 10 – EFFECTIVE DATE

Rule takes effect 20 days after filing or as specified in the rule.

Georgia

(Georgia Administrative Procedure Act: O.C.G.A. Title 50, Ch. 13)

STEP 1 – PETITION (IF APPLICABLE)

Any person may petition an agency to adopt, amend or repeal a rule. The agency has 30 days to either deny the petition in writing with the reasons or start the rulemaking process below.

STEP 2 – DRAFTED

Rule is drafted.

STEP 3 – NOTICE

Notice of the rule is provided at least 30 days before adoption. It must include a synopsis, rule text, time and place to comment, and date to be adopted. Emergency rules for imminent peril of public health, safety or welfare do not require notice or a hearing, but the agency may publish an abbreviated notice or have a hearing.

STEP 4 – PUBLIC COMMENTS

Public is given time to comment on the proposed rule in the manner and by the deadline in the notice.

STEP 5 – PUBLIC HEARING

If a hearing is requested by 25 people, a government subdivision or an association with at least 25 members, the agency must schedule a hearing.

STEP 6 – RULE CHANGE (SKIP IF NONE)

The agency can file a rule change.

STEP 7 – JUDICIARY COMMITTEE (EMERGENCY RULES ONLY)

Emergency rules must be sent to the House or Senate Judiciary Committee, which can vote to override it.

STEP 8 – RULE ADOPTION

Agency adopts the rule at a meeting. It can vote to override the veto of an emergency rule.

STEP 9 – JUDICIARY COMMITTEE (EMERGENCY RULES ONLY)

If an agency adopts an emergency rule over the committee's objections, the committee can vote to override it. If overridden, it fails. If vote is less than majority, the bill goes to the governor who can either not veto it and allow it to fail or veto it and allow it to pass.

STEP 10 – SECRETARY OF STATE

Adopted rule goes to Secretary of State for publishing in the bulletin.

STEP 11 – PUBLISHED

Adopted rule is published in the Rules and Regulations of the State of Georgia.

STEP 12 – EFFECTIVE DATE

Rules take effect 20 days after publishing or a later date specified in the rule. Emergency rules take effects immediately or less than 20 days after filing and last up to 120 days.

Hawaii

(Hawaii Administrative Procedure Act: 8 HRSA Chapter 91)

STEP 1 – PETITION (IF APPLICABLE)

Any person may petition an agency to adopt, amend or repeal a rule. It has 30 days to either deny the petition in writing with the reasons or start the rulemaking process below.

STEP 2 – DRAFTED

Proposed rule is drafted.

STEP 3 – NOTICE (OPTIONAL FOR EMERGENCY RULES)

Notice of the proposed rule is published. Notice includes date, time and place of public hearing. If emergency rule regarding imminent peril to public health, safety or morals, to livestock and poultry health or to natural resources, no notice or hearing is required. However, the agency may post an abbreviated notice or have a hearing. The agency can also adopt emergency rules in regards to new federal legislation or federal or state court decisions.

STEP 4 – PUBLIC COMMENTS

Public is given time to comment on the proposed rule in the manner and by the deadline in the notice.

STEP 5 – PUBLIC HEARING (OPTIONAL FOR EMERGENCY RULES)

Agency schedules a public hearing on the rule. At least 30 days' notice is required for the hearing.

STEP 6 – RULE ADOPTION

Rule is adopted by the agency at a meeting.

STEP 7 – GOVERNOR

Adopted rules must be approved by the governor.

STEP 8 – LIEUTENANT GOVERNOR

Approved rules are sent to the Lieutenant Governor for filing.

STEP 9 – EFFECTIVE DATE

Rules take effect 10 days after filing unless the rule specifies a later date. Emergency rules take effect immediately and last up to 120 days unless renewed. Emergency rules for federal law or court decisions may be effective until the adjournment of the next regular legislature session.

Idaho

(Idaho Administrative Procedure Act: 67 Idaho Code Chapter 52)

STEP 1 – PETITION

Any person may petition an agency to adopt, amend or repeal a rule. The agency has 28 days to either deny the petition and state its reasons in writing or start the rulemaking process below.

STEP 2 – NOTICE TO START RULEMAKING (SKIP TO STEP 8 IF EMERGENCY)

A notice of intent to promulgate rules – negotiated rulemaking is published in the Idaho Bulletin. The notice must include a statement of subject matter, purpose, statutory authority, and issues involved along with how comments can be sent. Emergency rules for the protection of public health, safety or welfare, to comply with deadlines in law or federal programs, or to confer a benefit can be adopted with little notice.

STEP 3 – PUBLIC COMMENTS AND HEARING

Public is given time to comment on the notice in the manner and by the deadline listed in the notice. Hearings can also take place.

STEP 4 – DRAFTED

Proposed rule is drafted.

STEP 5 – NOTICE

Notice of proposed rulemaking is published in the Idaho Bulletin with the text of the rule, location, time and date of public hearings, and manner and deadline of public comments. Notice is also posted on the agency website.

STEP 6 – PUBLIC COMMENTS

Public is given at least 21 days to comment on the notice in the manner and by the deadline listed in the notice.

STEP 7 – PUBLIC HEARING (OPTIONAL)

If requested by 25 people, a political subdivision, or agency within 14 days of the notice, the agency must hold a public hearing on the rule.

STEP 8 – RULEMAKING RECORD

Agency prepares a rulemaking record with all testimony and comments and any other documents used in the process.

STEP 9 – RULE ADOPTED

Rule is adopted by the agency at a meeting.

STEP 10 – NOTICE OF ADOPTION

A notice of adoption is published in the Idaho Bulletin no sooner than 7 days after the comment period with any changes to the original text, the effective date, reason for adoption, statutory authority, and if the rule has a fee or charge.

STEP 11 – LEGISLATURE REVIEW

Adopted rule goes to the legislature for review and approval.

STEP 12 – ADMINISTRATIVE RULES COORDINATOR

Adopted rule is sent to Administrative Rules Coordinator for publishing in the Idaho Administrative Rules.

STEP 13 – EFFECTIVE DATE

Rule takes effect no sooner than the date the legislature that reviewed it adjourns. Emergency rules take effect immediately even before legislative approval and last up to the conclusion of the next legislative session.

STEP 14 – EXPIRATION

Rules expire on July 1 of the year after they take effect unless extended by statute each year.

Illinois

<https://www.ilga.gov/commission/jcar/ILRulemakingProcess.pdf>

(Illinois Administrative Procedure Act: 5 ILCS 100)

STEP 1 - DRAFTED

Proposed rule is drafted.

STEP 2 – FIRST NOTICE

The Secretary of State publishes the proposed rule in the Illinois Register, which includes any public hearing scheduled and manner of deadline of comments.

STEP 3 – PUBLIC COMMENTS (SKIP FOR EMERGENCY AND PEREMPTORY RULES)

Public is given at least 45 days to comment on the proposed rule in the manner and by the deadline posted in the register. Emergency rules to address a threat to public health, safety or welfare and peremptory rules to implement federal regulation, collective bargaining agreement or court decisions do not require public comment or hearing.

STEP 4 – PUBLIC HEARING (SKIP FOR EMERGENCY AND PEREMPTORY RULES)

If JCAR, Governor, local government, 25 people or association with at least 100 affected members request a hearing within 14 days of the notice, the agency must schedule a hearing at least 20 days after notice.

STEP 5 – REGULATORY FLEXIBILITY ANALYSIS

An agency, JCAR, Governor, local government, 25 people, or an association with at least 100 affected members may request the Department of Commerce and Economic Opportunity analyze the rule to determine its impact on small businesses, small municipalities, and nonprofit organizations and create a regulatory flexibility analysis.

STEP 5 – SECOND NOTICE/JCAR

Agency must submit the proposed rule to Joint Committee on Administrative Rules for review, which includes a summary of the rule, any new changes, impact on state finances, regulatory flexibility analysis, and summary of comments received and agency responses.

STEP 6 – JCAR MEETING

JCAR accepts the notice and schedules a meeting within 45 days. May be extended 45 days. New changes can only be made with both JCAR and agency approval. Any comments are sent to JCAR.

STEP 7 – JCAR ACTION

JCAR can 1) vote no objection and issue a Certificate of No Objection allowing the rule to be adopted, 2) make a Recommendation for the agency to respond to in 90 days, 3) issue a Notice of Objection if it violates statute, affects entities under the regulatory flexibility analysis or fails a standard and must be responded to in 90 days or it fails, or 4) issue a Filing Prohibition due to a threat to public health, safety

or welfare which requires the rule to be amended to have it withdrawn and can last up to 180 days. If not withdrawn by then, the rule fails.

For emergency or peremptory rules, this takes place after the rule takes effect. JCAR can issue 1) a Recommendation which has no impact on the rule, 2) Objection if it violates statute, it affects the entities in the regulatory flexibility analysis, or fails an administrative procedure standard, or not sufficient reason for such rule, which requires the agency to respond and amend it within 90 days, or 3) a Suspension if it is contrary to public health, safety or welfare or no legitimate reason for the type of rule. Suspensions prevent the rule from passing unless removed and last up to 180 days, and if not removed by that time become permanent.

STEP 8 – RULE ADOPTION

If JCAR issues a Certificate of No Objection or a Recommendation addressed within 90 days, the agency can adopt the rule along with any second notice changes at a meeting. Agencies have one year from the First Notice to adopt the rule or its fails unless under a Filing Prohibition.

STEP 9 – THIRD NOTICE

The adopted rule and its effective date are published in the Illinois Register.

STEP 10 – PUBLISHED

Adopted rule is published in the Illinois Administrative Code.

STEP 11 – EFFECTIVE DATE

Rules take effect after filing. Emergency rules take effect immediately or within 10 days and last up to 150 days. Peremptory rules take effect immediately.

STEP 12 – JOINT COMMITTEE REVIEW

The Joint Committee must review each agency's rules every 5 years.

Indiana

http://iga.in.gov/information/bill_becomes_law/

(Indiana Administrative Procedure Act: IC 4-21.5, 4-22)

STEP 1 – DRAFTED

Proposed rule is drafted.

STEP 2 – NOTICE

A notice of intent to adopt a rule is published in the Indiana Register with intent and scope and statutory authority of the rule.

STEP 3 – PUBLIC COMMENTS

Public can submit comments on the proposed rule in the manner and by the deadline posted in the register.

STEP 4 – NOTICE OF PUBLIC HEARING (SKIP IF EMERGENCY RULE)

At least 28 days after the initial notice, the agency must publish a notice of public hearing once in a Marion County newspaper along with publishing in the Indiana Register with the proposed rule text and date, time and place of hearing.

STEP 5 – OFFICE OF MANAGEMENT AND BUDGET (IF APPLICABLE – SKIP IF EMERGENCY RULE)

At least 50 days before a public hearing, the agency sends any proposed rule with a total estimated economic impact of more than \$500,000 to the Office of Management and Budget to prepare a fiscal impact statement within 40 days.

STEP 6 – PUBLIC HEARING (SKIP IF EMERGENCY RULE)

The public hearing must be at least 21 days after the notice.

STEP 7 – FISCAL IMPACT REVIEW (IF APPLICABLE – SKIP IF EMERGENCY RULE)

The Small Business Ombudsman reviews proposed rules that make requirements or costs for small businesses. It may make suggestions to reduce the burden on such businesses, and the agency must respond to it.

STEP 8 – RULE ADOPTION (SKIP IF EMERGENCY RULE)

The agency adopts the proposed rule during a meeting.

STEP 9 – ATTORNEY GENERAL (SKIP IF EMERGENCY RULE)

The agency sends the adopted rule to the Attorney General for review. It has 45 days to approve it or disapprove it or it is considered approved. The rule can be disapproved if it lacks statutory authority, does not comply with this process, or does not comply with the adoption process. If the rule involves taking of property, the governor and agency head must be advised.

STEP 10 – GOVERNOR (SKIP IF EMERGENCY RULE)

If approved by the Attorney General, the rule goes to the Governor for approval. The Governor must approve or disapprove it within 15 days, which can be extended to 60 days if the Governor announces it within the first 15 days. If no action, it is deemed approved.

STEP 11 – NOTICE (SKIP IF EMERGENCY RULE)

The adopted rule is sent to be filed in the Indiana Register. If emergency rule, the agency requests a document control number from the publisher and then submits the rule for filing.

STEP 12 – EFFECTIVE DATE

Rules take effect on the latest of 1) effective date of statute delegating authority to adopt the rule, 2) date of filing, 3) date in the rule, or 4) date of compliance with any laws required as prerequisite. Emergency rules take effect on the latest of 1) effective date of statute delegating authority to adopt the rule, 2) 30 days after filing, 3) date in the rule, 4) date of compliance with any laws required as prerequisite, or 5) any statutory effective date. Emergency rules expire within 90 days unless extended once by adopting another rule.

STEP 13 – EXPIRATION

Rules expire 7 years after they are adopted or 7 years after they were last amended. To readopt a rule, an agency must follow the rulemaking process above, and if the rule imposes requirements or costs on small businesses, must review the rule to see if there are less costly or intrusive alternative methods available.

Iowa

<https://rules.iowa.gov/info/detailed-overview>

(Iowa Administrative Procedure Act: I Iowa Code Chapter 17A)

STEP 1 – PETITION (IF APPLICABLE)

Any citizen may petition an agency to adopt, amend or repeal a rule. The agency has 60 days to either deny the petition in writing with the reasons or start the rulemaking process below. It must send its decision to the administrative rules review committee.

STEP 2 – DRAFTED

Proposed rule is drafted.

STEP 3 – ADMINISTRATIVE RULES COORDINATOR

A notice of intended action is sent to the Administrative Rules Coordinator to get an ARC number.

STEP 4 - ADMINISTRATIVE CODE EDITOR

The notice of intended action is published in the Iowa Administrative Bulletin at least 35 days prior with statement of intended action, description of subject or issues and the time, place and manner of how public can respond.

STEP 5 – LEGISLATURE

The notice is also sent to the appropriate committee of the legislature for study.

STEP 6 – PUBLIC COMMENT

Public is given at least 20 days to comment on the proposed rule in the manner and by the deadline in the notice.

STEP 7 – PUBLIC HEARING

If 25 people, a governmental subdivision, the administrative rules review committee, an agency, or an association with at least 25 members requests a hearing, the agency must schedule one at least 20 days after notice is published in the bulletin.

STEP 8 – RULE ADOPTION

The agency adopts or terminates the proposed rule within 180 days after publishing in the bulletin or within 180 days after the last public hearing. If terminated, a notice of termination is published in the Iowa Administrative Bulletin.

STEP 9 – NOTICE

An adopted rule is published in an Adopted and Filed notice in the Iowa Administrative Bulletin.

STEP 10 – ADMINISTRATIVE RULES REVIEW COMMITTEE

The adopted rule goes to the Administrative Rules Review Committee who reviews the rule. It can object to the rule with a 2/3 vote.

STEP 11 – EFFECTIVE DATE

Rules take effect 35 days after publishing in the bulletin or as specified in the rule.

STEP 12 – OBJECTIONS

If either the Administrative Rules Review Committee, the Governor, or the Attorney General file an objection to a rule with the administrative code editor, the rule stops being effective 180 days after filing. The Administrative Rules Review Committee may also by 2/3 vote, suspend a rule until the date it is no longer effective. The governor also has the option to rescind a rule by executive order within 70 days after the effective date.

STEP 13 – AGENCY REVIEW

An agency must review all its rules every 5 years to determine if any should be amended or repealed. It writes a plan of review, and then submits a results summary to the administrative rules coordinator and administrative rules review committee when completed.

Kansas

https://admin.ks.gov/media/documents/regmanualjune2018_25E50CCBCF4FD.pdf

(Kansas Administrative Procedure Act: KSA 77-415 to 77-438)

STEP 1 – DRAFTED

Proposed rule is drafted along with an economic impact statement.

STEP 2 – DIRECTOR OF BUDGET

Proposed rule and economic impact statement must be approved by the Director of Budget.

STEP 3 – SECRETARY OF ADMINISTRATION

Proposed rule must be approved by the Secretary of Administration, which checks errors and style of the rule.

STEP 4 – ATTORNEY GENERAL

Proposed rule must be approved by the Attorney General, which checks for legality issues.

STEP 5 – NOTICE (SKIP TO STEP 11 FOR TEMPORARY RULES)

Agency sends a notice of hearing along with a copy of the proposed rule, the economic impact statement and any environmental benefit statement (includes endangered/threatened species rules) at least 60 days before the hearing to Secretary of State for publishing in the Kansas Register. A copy also goes to the Joint Committee on Administrative Rules and Regulations and the Legislative Research Department. Temporary rules for the preservation of public peace, health, safety or welfare do not need notice, comments or a hearing.

STEP 6 – PUBLIC COMMENTS

Public is given 60 days to comment on the proposed rules in the manner in the notice.

STEP 7 – JOINT COMMITTEE ON ADMINISTRATIVE RULES AND REGULATIONS

The Joint Committee on Administrative Rules and Regulations reviews and comments on the proposed rule during the comment period.

STEP 8 – PUBLIC HEARING (OPTIONAL FOR TEMPORARY RULE)

Public may attend the public hearing on the date, time and place in the notice.

STEP 9 – INITIATE NEW RULEMAKING PROCEEDINGS (IF APPLICABLE)

Initiate new rulemaking proceedings.

STEP 10 – REVISIONS (IF APPLICABLE)

Agency may revise the proposed rule. Approval is again needed per Steps 2-4.

STEP 11 – RULE ADOPTION

Agency adopts the proposed rule at a meeting.

STEP 12 – STATE RULES AND REGULATIONS BOARD (TEMPORARY RULES ONLY)

Adopted temporary rule is sent to the State Rules and Regulations Board, where the agency must appear and justify needing a temporary rule.

STEP 13 – SECRETARY OF STATE

Adopted rule is sent to the Secretary of State to be published in the Kansas Register.

STEP 14 – EFFECTIVE DATE

Rules take effect 15 days after publication. Emergency rules take effect immediately after filing or the date listed and last up to 120 days unless renewed an additional 120 days.

STEP 15 - JOINT COMMITTEE ON ADMINISTRATIVE RULES AND REGULATIONS

The Joint Committee can review and state concerns on the adopted rule.

STEP 16 – REVIEW

All of a state agency's rules must be reviewed every 5 years per a schedule depending on the agency. The agency must submit a report to the Joint Committee on Administrative Rules and Regulations by July 15th of that year with a statement of whether each rule should remain, can be revoked or should be amended.

If it is to be revoked, the agency must hold a public hearing if requested, submit a notice of revocation to the Attorney General for review and approval, submit it to the Joint Committee on Administrative Rules and Regulations and attend a hearing if requested, and publish a notice of revocation in the register. The revocation takes effect 15 days after publication.

Kentucky

<https://legislature.ky.gov/LRC/Pages/Legislative-Process.aspx>

(Kentucky Administrative Procedure Act: KRS Chapter 13A)

STEP 1 – DRAFTED

Proposed rule is drafted.

STEP 2 – REGULATIONS COMPILER

Proposed rule is sent to the Regulations Compiler along with public hearing and comment information, regulatory impact statement, and fiscal note. The rule is published in the Administrative Register.

STEP 3 – PUBLIC COMMENTS

Public can comment on the rule up to the last day of the month after the month published in the register. Emergency rules are due the last day of the same month.

STEP 4 – PUBLIC HEARING

Public hearing is scheduled between the 21st day and the last workday of the month after the month the public comments end. If no notification to attend the hearing is submitted by the 5th workday before the hearing, it may be cancelled. Emergency rule hearings must take place between the 21st day and the last workday of the same month the comments end.

STEP 5 – COMPILER

Agency notifies Compiler whether the hearing was cancelled and if any comments were received. Statement of consideration is filed with the Compiler by the 15th day after the comments close.

STEP 6 – RULE ADOPTION

Rule is adopted by the agency at a meeting.

STEP 7 - ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Adopted rule is reviewed by the Administrative Regulation Review Subcommittee during a meeting.

STEP 8 – LEGISLATIVE RESEARCH COMMISSION

Adopted rule is sent to the Legislative Research Commission.

STEP 9 – LEGISLATIVE COMMITTEE

Rule is sent to a legislative committee. The committee may hold a public hearing within 90 days.

STEP 10 – EFFECTIVE DATE

Unless deferred or deficient, rule takes effect earlier of after adjournment of the committee meeting if the rule was on the agenda or 90 days after referral. Emergency rules take effect immediately or another listed date and last up to 270 days unless extended.

STEP 11 – AGENCY REVIEW

Rules expire 7 years after their effective date unless during the 12 months before expiration the agency reviews the rule and files a certification letter with the regulations compiler that the rule should be amended, should stay in effect without amendment, or needs amendment and one was filed. If it needs amended and one has not been filed, the agency must file the amendment under the procedure above with the regulations compiler within 18 months of the certification letter.

Louisiana

<https://www.doa.la.gov/media/bkfdxshe/apa-guide-timetable-noi-and-emr.pdf>

(Louisiana Administrative Procedure Act: LRS 49:950 – 49:999.25)

NOTE: This process must be completed in 1 year.

STEP 1 – PETITION (IF APPLICABLE)

Any citizen may petition an agency to adopt, amend or repeal a rule. The agency has 90 days to deny the petition in writing with its reasons or start the rulemaking process below.

STEP 2 – DRAFTED

Proposed rule is drafted.

STEP 3 – LEGISLATIVE FISCAL OFFICE (SKIP TO STEP 9 FOR EMERGENCY RULES)

Fiscal and economic impact statement must be approved by the Legislative Fiscal Office.

STEP 4 – NOTICE

Notice of intent and fiscal statement is sent to the State Register. Notice is also sent to leaders of the House and Senate and the House and Senate Oversight Committees.

STEP 5 – PUBLISHED

Notice of intent is published in the Louisiana Register on the 20th of the month.

STEP 6 – PUBLIC HEARING

Public hearing must be requested within 20 days after notice. It must be held 35-40 days after the notice.

STEP 7 – HOUSE AND SENATE OVERSIGHT COMMITTEES

A summary report is sent to House and Senate Oversight Committees.

STEP 8 – OVERSIGHT COMMITTEE HEARING (OPTIONAL)

A hearing may be scheduled for 5-30 days after the summary report.

STEP 9 – IF UNFAVORABLE, GOVERNOR

If unfavorable report from the committee, the committee sends the report to the governor within 4 days. Governor has 10 days to agree or disagree with the report.

STEP 10 – RULE ADOPTION

If favorable report from the committee or governor disagreement with a unfavorable report, the agency adopts the rule at a meeting.

STEP 11 – PUBLISHED

Adopted rule is published in the Louisiana Register.

STEP 12 – EFFECTIVE DATE

Rule takes effect either immediately or as specified in the rule. Emergency rules take effect immediately or 60 days.

STEP 13 – GOVERNOR VETO OR SUSPENSION (IF APPLICABLE)

Governor may veto or suspend a rule within 30 days. Emergency rules have 60 days to nullify them.

STEP 14 – DISTRICT COURT REVIEW (IF APPLICABLE)

District court may invalidate a rule that violates the constitution, exceeds statutory authority or violates this administrative process. For emergency rules, judges can declare rule invalid if not sufficient evidence for an emergency.

STEP 15 – LEGISLATURE (IF APPLICABLE)

The legislature can adopt a concurrent resolution to suspend, amend or repeal a rule. Emergency rules have 60 days to nullify them.

STEP 16 – AGENCY REVIEW

An agency must review its rules every 6 years. It must publish a notice in the Louisiana Register and hold a hearing at least 30 days after. If it decides to make changes, it must follow the procedure above.

Maine

<https://www.maine.gov/sos/cec/rules/guide.html>

(Maine Administrative Procedure Act: 5 MRSA §8001 - §11008)

STEP 1 – PETITION (IF APPLICABLE)

Any citizen may petition an agency to adopt or amend a rule. The agency has 60 days to either deny it and list the reasons in writing or start the rulemaking process below. If the petition is from at least 150 voters, the agency must start the rulemaking process.

STEP 2 – DRAFTED

Proposed rule is drafted.

STEP 3 – NOTICE PACKAGE

Notice of Rulemaking Proposal along with fact sheet, rule text, and hearing and comment information is sent to Secretary of State. It posts the proposal in the Weekly Rulemaking Notice on its website.

STEP 4 – EXECUTIVE DIRECTOR OF LEGISLATIVE COUNCIL

Agency sends Fact Sheet to the Executive Director of the Legislative Council 1-2 days after filing notice. For emergency rules, it is filed within 10 days of adoption.

STEP 5 – NEWSPAPER NOTICE

Notice of Proposed Rulemaking is published in newspapers at least 1 week before any public hearing.

STEP 6 – PUBLIC HEARINGS (OPTIONAL)

Public hearings, if scheduled, take place 17-24 days after the notice. If 5 people request a hearing or if a substantial rule, the agency must hold a hearing.

STEP 7 – PUBLIC COMMENTS

Public has at least 30 days to comment on the proposed rule in the manner and by the deadline listed in the notice. If a hearing is held, the public has at least 10 days after to comment.

STEP 8 – RULE ADOPTION

Agency adopts the rule within 120 days after the comment period ends.

STEP 9 – ATTORNEY GENERAL

Adopted rule is sent to Attorney General to review it for form and legality.

STEP 10 – SECRETARY OF STATE

Notice of rule adoption is sent to the Secretary of State with the rule text with and without changes marked, basis statement, comments and responses, fact sheet and checklist. It is then published in newspapers and in the Weekly Rulemaking Notice.

STEP 11 – EFFECTIVE DATE

Rules take effect at least 5 days after filing or as listed in the rule. Emergency rules last up to 90 days.

Maryland

(Maryland Administrative Procedure Act: Maryland Code State Government Title 10, Subtitle 1)

STEP 1 – PETITION (IF APPLICABLE)

Any citizen may petition an agency to adopt a rule. The agency has 60 days to either deny it and list the reasons in writing or start the rulemaking process below.

STEP 2 - DRAFTED

Proposed rule is drafted.

STEP 3 – GENERAL ATTORNEY

Rule is sent to General Attorney to review for legality.

STEP 4 – ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW COMMITTEE (AELR)

If approved by Attorney General, rule goes to the Administrative, Executive, and Legislative Review Committee for review on the statutory authority to adopt the rule and compliance with the legislative intent of such statute. If the Committee opposes the rule, it notifies the Governor and the agency within 5 working days. The agency can either withdraw the rule, modify it, or submit a statement of justification to the Governor.

If emergency rule, the Committee determines whether to approve the rule.

STEP 5 – GOVERNOR (IF APPLICABLE)

If statement of justification is sent to the Governor, the Governor may have the agency withdraw the rule, have the agency modify it, or approve the rule. The Governor must approve it before it can be adopted.

STEP 6 – DEPARTMENT OF LEGISLATIVE SERVICES (SKIP TO STEP 10 FOR EMERGENCY RULES)

The rule then goes to the Department of Legislative Services no sooner than 15 days after being sent to AELR Committee. The Department checks the rule for style and format and codification errors. It then publishes a notice of proposed action in the Maryland Register. The notice also includes a statement of purpose (why they are proposing it), estimate of economic impact statement (how much it will cost agencies or the public), economic impact on small businesses (and if any, an economic impact analysis), and an opportunity for public comment that includes the date, time and place of any hearing.

STEP 7 – PUBLIC COMMENTS

Public has at least 30 days to comment on the proposed rule in the manner and by the deadline in the register.

STEP 8 – PUBLIC HEARING (OPTIONAL)

If the agency holds a hearing, it must wait at least 15 days after publishing in the register.

STEP 9 – REVIEW PERIOD

The AELR Committee has 45 days after publishing to review the rule. The Committee may extend the review period.

STEP 10 – SUBSTANTIAL CHANGES (IF APPLICABLE)

If the agency makes substantial changes to the rule, it must repropose it or withdraw them and submit new ones.

STEP 11 – RULE ADOPTION

After the review period, the agency adopts the proposed rule during a meeting. Emergency rules can be adopted right after approval from the AELR Committee.

STEP 12 – ATTORNEY GENERAL (SKIP FOR EMERGENCY RULES)

The adopted rule goes to the Attorney General to make sure all changes made to the original proposed rule are nonsubstantial. If so, the rule receives Attorney General Certification.

STEP 13 – FINAL NOTICE

The Administrator publishes a notice of final action along with the Attorney General Certification in the Maryland Register. For emergency rules, a notice of emergency action is published in the next register.

STEP 14 – EFFECTIVE DATE

Rules take effect 10 days after the final notice or a later date specified in the rule. Emergency rules take effect immediately or when the AELR Committee states and last for as long as the Committee allows.

STEP 15 – PUBLISHED

Adopted rule is published in the Code of Maryland Regulations.

STEP 16 – AGENCY REVIEW

An agency must review its rules every 8 years unless they were substantially amended during that time. A schedule of regulations to be reviewed is sent to the Governor and Committee. Then the agency must develop a work plan and an evaluation report. If it decides a rule needs amended or repealed, it must follow the procedure above.

Massachusetts

<https://www.masslegalservices.org/content/legislative-process-massachusetts-0>

(Massachusetts Administrative Procedure Act: Mass. General Laws, Part I, Title III, Chapter 30A)

STEP 1 – PETITION (IF APPLICABLE)

Any person may petition an agency to adopt, amend or repeal a rule. Each agency has their own process to respond.

STEP 2 – DRAFTED

Proposed rule is drafted.

STEP 3 – NOTICE

A notice is published in a newspaper of general circulation and sent to the State Secretary for publishing in the Massachusetts Register. The notice includes the date, time and place of any hearing, comment information, and a small business impact statement. Emergency rules for the preservation of public health, safety or general welfare do not require notice or a hearing or comments.

STEP 4 – PUBLIC HEARING (SKIP TO STEP 7 FOR EMERGENCY RULES)

A public hearing is required if the rule has a violation punishable by fine or imprisonment, such hearing is required by the statute authorizing them to pass a rule, or if a constitutional right to a hearing. Hearings must take place at least 21 days after being published in the newspaper and at least 7 days after published by the State Secretary.

STEP 5 – PUBLIC COMMENTS

Public may comment on the proposed rule in the manner and by the deadline posted in the notice. Comment period last at least 21 days after published in a newspaper and 7 days after published by the State Secretary.

STEP 6 – AMENDED SMALL BUSINESS IMPACT STATEMENT

The agency must file an amended small business impact statement with the State Secretary.

STEP 7 – RULE ADOPTION

The agency adopts the proposed rule at a meeting.

STEP 8 – PUBLISHED

Adopted rules are published in the Massachusetts Register.

STEP 9 – EFFECTIVE DATE

Rules take effect after being published in the register or as specified in the rule. Emergency rules take effect after filing with the State Secretary.

Michigan

www.legislature.mi.gov/Publications/StudentGuide.pdf

(Michigan Administrative Procedures Act of 1969: Act 306 of 1969)

STEP 1 – PETITION

Any person may petition an agency to promulgate a rule. The agency has 90 days to deny the petition in writing with its reasons or start the rulemaking process below.

STEP 2 – REQUEST FOR RULEMAKING/MOHR

Agency files a request for rulemaking to the Michigan Office of Administrative Hearings and Rules (MOHR) that states the statutory authority for rule, problem being addressed, and assessment of its significance. It then either approves or denies the request. MOHR sends copy of the request to the Joint Committee on Administrative Rules (JCAR) upon receipt, and also sends a weekly list of rules approved or denied.

STEP 3 – RULE DRAFTED

If approved by the MOHR, rule is drafted by the agency.

STEP 4 – MOHR

Agency sends the draft to the MOHR, which reviews the statutory authority of the rule and if it complies with drafting guidelines. The agency must then approve a hearing on the rule. MOHR must immediately send a copy of any rule approved for hearing to JCAR.

STEP 5 – REGULATORY IMPACT AND SMALL BUSINESS IMPACT STATEMENT

The agency prepares a regulatory impact statement at least 28 days before any hearing, which must be approved by MOHR, and published on the agency website at least 10 days before the hearing. If small businesses are disproportionately affected, the agency must either exempt them or reduce the impact using the methods listed, and submit a small business impact statement.

STEP 6 – NOTICE OF PUBLIC HEARING (SKIP FOR EMERGENCY RULES)

A notice of public hearing is published in 3 newspapers at least 10 days nor more than 60 days before the hearing with the time and place of the hearing and other ways to comment. The notice is also published in the Michigan Register by MOHR. MOHR must also send a notice to the JCAR within 7 days of receipt.

STEP 7 – PUBLIC COMMENTS (SKIP FOR EMERGENCY RULES)

Public may comment on the proposed rules in the manner and by the deadline listed in the notice.

STEP 8 – PUBLIC HEARING (SKIP FOR EMERGENCY RULES)

A public hearing is held as specified in the notice.

STEP 9 – AGENCY REPORT

Agency must prepare an agency report with a synopsis of comments, request for rulemaking, the regulatory impact statement, and any rule changes.

STEP 10 – RULE ADOPTION

Agency adopts the proposed rule during a meeting.

STEP 11 – LEGISLATIVE SERVICE BUREAU

Adopted rule is sent to the Legislative Service Bureau to determine whether the rule is proper in form, classification and arrangement. If approved, it issues a Certificate of Approval within 21 days. It can also send it back to the agency, which must resubmit it. The Legislative Service Bureau then has the rest of the 21 days or 6 days, whichever is longer, to approve it.

STEP 12 - MOAHR

MOAHR then certifies the adopted rule for legality. It then submits the rule, agency reports, regulatory impact statement and certificates of approval to JCAR.

STEP 13 – GOVERNOR (EMERGENCY RULES ONLY)

Emergency rules go to the Governor who must certify that the rule is an emergency.

STEP 14 – JCAR (SKIP TO STEP 18 IF EMERGENCY)

JCAR has 15 days to either file a notice of objection, request a change, introduce bills to pass the rule, or waive the remaining days. It can file a notice of objection if the rule lacks statutory authority, exceeds the scope of statutory authority, public health, safety or welfare warrant it, or it conflicts with state law. It may rescind its rejection.

STEP 15 – IF OBJECTION, LEGISLATURE

If JCAR files a notice of objection, it must then introduce bills in both the House and Senate to either repeal the rule on its effective date, repeal the statutory authority, or stay the effective date of the rule (stop it from taking effect) for 1 year. JCAR must immediately place the bills on its calendar. It has 15 session days after objection was filed to pass both chambers unless rescinded by JCAR.

STEP 16 – IF BILL PROPOSED, LEGISLATURE

If JCAR decides to introduce bills to pass the rule, it must introduce bills in the House and Senate with the subject of the rule. It has 270 days after the bill introduction to pass both chambers.

STEP 17 – IF CHANGE REQUESTED, AGENCY

If JCAR requests a change to the rule, the agency has 30 days to change the rule and resubmit it or decide not to change it and submit reasons to JCAR, for which JCAR has 15 legislature session days to respond and repeat Step 13. If agency changes the rule, it must withdraw it, give notice of the proposed change, and have MOAHR review it to see if it makes the regulatory impact or impact on small businesses more burdensome. If more burdensome, a new agency report and hearing must be done. After determination, agency must file a supplement to the agency report with the statement of determination, whether a new report or hearing is required, and explanation for rule change.

STEP 18 – SECRETARY OF STATE

If JCAR does not take action by the deadline, JCAR waives the remaining days, the legislature fails to pass bills under an objection within 15 days, or JCAR rescinds an objection, the rule is sent to the Secretary of State for filing in the Michigan Register. If JCAR decides to introduce bills, and they are not passed within 270 days, the agency can send the rule to the Secretary of State for filing.

STEP 19 – EFFECTIVE DATE

Rules take effect 7 days after promulgated or a later date specified in the rule. Emergency rules take effect immediately and last up to 6 months or a date specified and can be extended 6 months.

Minnesota

https://www.revisor.mn.gov/revisor/pubs/arule_drafting_manual/ruleguide.htm

(Minnesota Administrative Procedure Act: Minnesota Statutes Chapter 14)

STEP 1 – PETITION (IF APPLICABLE)

Any citizen may petition an agency to adopt, amend or repeal a rule. The agency has 60 days to make a decision and respond in writing. It can deny the petition or approve it and start the rulemaking process below.

STEP 2 – DRAFTED (EXPEDITED RULES ONLY)

Expedited rules are drafted.

STEP 3 – NOTICE OF COMMENT PERIOD (SKIP TO STEP 4 FOR EXPEDITED)

A Notice of Comment Period is published in the Minnesota Register with the subject matter of the proposal and details of how and by when to submit comments. The public has at least 30 days to comment.

STEP 4 – STATEMENT OF NEED AND REASONABLENESS

Agency must prepare a statement of need and reasonableness, which must be available to the public and sent to the Legislative Reference Library.

STEP 5 – REVISOR

Rule is drafted by the agency or with the help of the Revisor. The Revisor reviews proposed rule and approves it.

STEP 6 - NOTICE OF PROPOSED EXPEDITED RULES (EXPEDITED RULES ONLY)

For expedited rules, the rule must be approved by the governor before a notice of proposed expedited rules is published in the Minnesota Register. The public has 30 days to comment on the proposed rule.

STEP 7 – NOTICE OF INTENT TO ADOPT WITHOUT A HEARING (IF NO PUBLIC HEARING; SKIP TO STEP 10 FOR EXPEDITED)

If the agency does not plan to hold a hearing, a Notice of Intent to Adopt Rules without a Public Hearing is published in the Minnesota Register at least 60 days after notice of comment period. If a request for public hearing is requested within the 30-day comment period, then Steps 8-10 are followed. Otherwise, skip to Step 11.

STEP 8 – ADMINISTRATIVE LAW JUDGE (IF PUBLIC HEARING SCHEDULED OR REQUESTED)

The judge must be sent the Notice of Public Hearing or Duel Notice for approval. It can approve it or request changes within 5 working days. The judge also schedules the hearing and determines how many must be held.

STEP 9 – NOTICE OF HEARING

The Notice of Public Hearing OR Duel Notice: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received is published in the Minnesota Register at least 30 days before the hearing and at least 60 days after comments requested.

STEP 10 – PUBLIC HEARING

Public hearing is held. If 25 people request a hearing under a duel notice, the agency must schedule one.

STEP 11 – ADDITIONAL COMMENTS

Public may comment on the proposed rule 5 working days after the hearing ends, and it may be extended to 20 days. Then there is a 5 working day period for responses to comments along with announcing any rule changes.

For expedited rules, agency must send any changes to Office of Administrative Hearings for review and approval.

STEP 12 – RULE ADOPTION

Agency adopts rule at a meeting.

STEP 13 – ADMINISTRATIVE LAW JUDGE

Adopted rule is sent to Administrative Law Judge.

STEP 14 – SECRETARY OF STATE

Office of Administrative Hearings files adopted rule with Secretary of State.

STEP 15 – REVISOR

Revisor prepares notice of adoption or notice of adopted expedited rules.

STEP 16 – PUBLISHED

Notice of adopted permanent rules or adopted expedited rules published in the Minnesota Register.

STEP 17 – EFFECTIVE DATE

Rules take effect 5 days after published in the register or a later date in the rule.

Mississippi

(Mississippi Administrative Procedure Law: Miss. Code Ann. Title 25 Chapter 43)

STEP 1 – DRAFTED

Proposed rule is drafted.

STEP 2 – ECONOMIC IMPACT STATEMENT

Agency must file an economic impact statement.

STEP 3 – NOTICE OF RULE ADOPTION (MAY SKIP TO STEP 6 FOR EMERGENCY RULE)

Notice of rule adoption is published in the Mississippi Administrative Bulletin which includes comment information and any public hearings or how one can be requested.

STEP 4 – PUBLIC COMMENT

Public may comment on the proposed rule for at least 25 days in the manner and by the deadline listed.

STEP 5 – PUBLIC HEARING (OPTIONAL)

The agency conducts a public hearing at least 20 days after the notice if scheduled. If not scheduled, the agency must schedule one if a political subdivision, agency or 10 people request one within the 20 days.

STEP 6 – RULE ADOPTION

Rule may be adopted by the agency at a meeting no sooner than 25 days after the notice.

STEP 7 – SECRETARY OF STATE

Adopted rule goes to the Secretary of State for certification and filing.

STEP 8 – EFFECTIVE DATE

Rules take effect 30 days after filing or a later date specified in the rule. Emergency rules take effect immediately or as specified in the rule and last up to 120 days plus an additional 90 days if renewed.

STEP 9 – AGENCY REVIEW

The agency must review its rules every 5 years to see if they need amended or repealed or a new one adopted. If so, it must follow the procedure above.

Missouri

<https://www.sos.mo.gov/adrules/manual/manual>

(Missouri Administrative Procedure and Review: R.S. of MO Title XXXVI, Chapter 536)

STEP 1 – PETITION (IF APPLICABLE)

A citizen may petition the agency to adopt, amend or repeal a rule. The agency must forward it to the Joint Committee on Administrative Rules. The agency must respond in writing within 60 days and notify the Committee of its decision. It can deny the petition or approve it and start the rulemaking process below.

STEP 2 – DRAFTED

Proposed rule is drafted.

STEP 3 – JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)

Notice of proposed rulemaking must be filed with the Small Business Regulatory Fairness Board (if applicable), Joint Committee on Administrative Rules (JCAR), and Administrative Rules of the Office of the Secretary of State.

For emergency rules, only the text, fiscal note, facts, reasons and findings are required to be filed and only with JCAR.

STEP 4 – IF DISAPPROVED BY JCAR, LEGISLATURE

If JCAR disapproves the order, it is sent to the House and Senate in a concurrent resolution. If both disapprove the rule within 30 days, it fails.

For emergency rules, JCAR can submit comments or recommendations to the House Appropriations and Budget Committee or the Senate Appropriations Committee for review. It can also submit them to the Secretary of State for publishing in the register.

STEP 5 – NOTICE

A notice of proposed rulemaking is published in the Missouri Register. For regular rules, the agency must either include a Notice of Public Hearing or Notice to Submit Comments or both.

STEP 6 – PUBLIC COMMENTS (SKIP FOR EMERGENCY RULES)

Public has at least 30 days to submit comments on the proposed rule in the manner and by the deadline in the notice.

STEP 7 – PUBLIC HEARING (OPTIONAL – SKIP FOR EMERGENCY RULES)

A public hearing is held at least 30 days after the notice. If the agency decides to hold a hearing after the original notice, it must submit a new one and wait 30 days.

STEP 8 – RULE ADOPTION

Agency adopts the rule at a meeting.

STEP 9 – FINAL ORDER OF RULEMAKING

Agency writes the final order of rulemaking that includes any comments and responses and explanation of any changes.

STEP 10 – JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)

The final order of rulemaking is filed with JCAR and Small Business Regulatory Fairness Board (if applicable). JCAR has a 30-day review period.

STEP 11 – IF DISAPPROVED BY JCAR, LEGISLATURE

If JCAR disapproves the order, it is sent to the House and Senate in a concurrent resolution. If both disapprove the rule within 30 days, it fails.

STEP 12 – REGISTER

The final order of rulemaking is then filed to be published in the Missouri Register. The agency has 90 days from the end of the comment period to file it.

STEP 13 – PUBLISHED

Adopted rule is published in the Missouri Code of State Regulations.

STEP 14 – EFFECTIVE DATE

Rules take effect 30 days after publishing in the Code or a later date specified in the rule. Emergency rules take effect 10 business days after filing with Secretary of State or a later date specified and last up to the longer of 180 days or 30 legislative days.

STEP 15 – AGENCY REVIEW

The agency must review the rules every 5 years to determine if any of them need amended or repealed and publish a notice of agency review in the Register. If so, the agency follows the procedure above.

Montana

https://sosmt.gov/Portals/142/ARM/ARM_flow_chart.pdf?dt=1526399982123

(Montana Administrative Procedure Act: Montana Code Ann. Title 2, Chapter 4)

STEP 1 – PETITION (IF APPLICABLE)

Citizens may petition the agency to create, amend or repeal a rule. The agency must respond within 60 days and can either deny the petition and list its reasons or approve it and start the rulemaking process below.

STEP 2 – SPONSOR (IF APPLICABLE)

If drafting a rule that initially implements legislation, the agency must contact the primary sponsor to obtain comments and must include known dates of each step of the process and time periods sponsor may comment on it.

STEP 3 – DRAFTED

Proposed rule is drafted.

STEP 4 – SMALL BUSINESS IMPACT

Agency must determine if the rule will significantly and directly impact small businesses. If so, it must prepare a small business impact analysis unless it has an economic impact statement.

STEP 5 – PROPOSAL NOTICE

Agency must write a notice of proposed action with the subject of the rule, necessity, and time, place and manner to submit comments. The notice lists all the actual actions proposed within the rule such as new, repeal, amendment, or transfer. Emergency rules addressing imminent peril to public health, safety or welfare just require a notice of adoption of emergency rule.

STEP 6 – SECRETARY OF STATE (SKIP TO STEP 12 FOR EMERGENCY RULES)

Notice is sent to the Secretary of State to review the format. It then publishes the notice in the Montana Administrative Register.

STEP 7 - ADMINISTRATIVE RULE REVIEW COMMITTEE

Secretary of State sends the proposal to the Administrative Rule Review Committee for review. The Committee can object to the rule by notifying the agency and discussing it at the next meeting. The agency must respond within 14 days. The Committee can withdraw its objection or modify its objection if changes are made.

STEP 8 – PUBLIC COMMENTS

Public is given at least 28 days to comment on the proposed rule in the manner and by the deadline listed.

STEP 9 – NOTICE OF PUBLIC HEARING (MAY BE INCLUDED IN ORIGINAL PROPOSAL)

A notice of public hearing on proposed action may be published separately in the Montana Administrative Register.

STEP 10 – PUBLIC HEARING (OPTIONAL)

If scheduled, agency must hold a public hearing at least 20 days after the notice. If not scheduled, hearing must be scheduled if requested by lesser of 10% or 25 people affected, by a governmental subdivision or agency, administrative rule review committee, or an association with at least 25 affected members.

STEP 11 – COMMENT EXTENSION (SKIP IF NONE)

If the agency decides to extend the comment period, it must file a notice of extension of comment period on proposed action in the Montana Administrative Register.

STEP 12 – RULE ADOPTION

Rule is adopted by the agency at a meeting.

STEP 13 – SECRETARY OF STATE

A notice of adoption is sent to the Secretary of State for review for format.

STEP 14 - ADMINISTRATIVE RULE REVIEW COMMITTEE

Secretary of State sends the notice to the Administrative Rule Review Committee for review. It can again object to the rule in the same manner as Step 7. If not withdrawn or modified, the objection is published in the Montana Administrative Register with the notice of adoption.

STEP 15 – NOTICE OF ADOPTION

Notice of adoption is published in the Montana Administrative Register.

STEP 16 – EFFECTIVE DATE

Rules take effect after publishing in the register or a later date provided by statute or in the rule. If the Committee objects to the rule before adoption, it does not take effect until final adjournment of the regular legislature session that begins after the proposal notice unless withdrawn or changed. Emergency rules take effect immediately after publication or later date specified and last up to 120 days.

STEP 17 – ADMINISTRATIVE AGENCY

Adopted rule is sent to the Administrative Agency to be added to Administrative Rules of Montana.

STEP 18 – SECRETARY OF STATE

Secretary of State reviews the format of the added rule.

STEP 19 – AGENCY REVIEW

Agencies must biannually review their rules to see if any of them need amended or repealed. If so, it follows the procedure above.

Nebraska

<https://sos.nebraska.gov/regulations/overview-regulation-process>

(Nebraska Administrative Procedure Act: Nebraska Rev. Stat. 84-901 et. al.)

STEP 1 – PETITION (IF APPLICABLE)

Any person may petition an agency to adopt, amend or repeal a rule. The agency has 60 days to either deny the petition in writing with its reasons or start the rulemaking process below.

STEP 2 – DRAFTED

Proposed rule is drafted.

STEP 3 – HEARING NOTICE (SKIP TO STEP 5 FOR EMERGENCY RULES)

A notice of rulemaking hearing is published at least 30 days before a hearing with the date, time and place. Notice is also published in a newspaper of general circulation. Emergency rules do not require 30-day notice or a hearing.

STEP 4 – PUBLIC COMMENTS (OPTIONAL)

The agency may allow online public comments.

STEP 5 - PUBLIC HEARING

The agency holds a hearing on the rule. If the rule is because of a new legislative bill, the hearing must take place within 12 months after the effective date of the bill.

STEP 6 – RULE ADOPTION

The agency adopts the proposed rule at a hearing.

STEP 7 – ATTORNEY GENERAL (SKIP FOR EMERGENCY RULES)

The adopted rule is sent to the Attorney General to review the statutory and constitutional authority of the rule and to determine if there are substantial differences to the text.

STEP 8 – GOVERNOR

If approved by the Attorney General, the rule goes to the Governor for final approval.

STEP 9 – SECRETARY OF STATE

If approved by the Governor, the adopted rule is sent to the Secretary of State.

STEP 10 – EFFECTIVE DATE

Rules take effect 5 days after being sent to the Secretary of State. Emergency rules take effect after approval of the Governor and last up to 90 days unless extended another 90 days.

Nevada

<https://dcnr.nv.gov/uploads/CD-Documents/Rulemaking-Manual-Complete.pdf>

(Nevada Administrative Procedure Act: Nevada Rev. Stat. Chapter 233B)

STEP 1 – PETITION (IF APPLICABLE)

Any person may petition an agency to adopt, amend or repeal a rule. The agency has 30 days to either deny the petition in writing with its reasons or start the rulemaking process below.

STEP 2 – DRAFTED

Proposed rule is drafted.

STEP 3 – LEGISLATIVE COUNCIL BUREAU (SKIP FOR EMERGENCY AND TEMPORARY RULES)

The proposed rule is sent to the Legislative Council Bureau for review of its language. It must also go to the State Librarian. Emergency rules and temporary rules (rules that an agency wants to adopt between Aug 1 of even year and Jul 1 of next odd year or rule that lasts up to 120 days) skip this step. However, temporary rules must follow the rest of the process.

STEP 4 – GOVERNOR (EMERGENCY RULES ONLY)

Emergency rules go to the Governor who must approve the statement of emergency. If approved, they can be adopted.

STEP 5 – SMALL BUSINESS IMPACT (SKIP TO STEP 14 FOR EMERGENCY RULES)

The agency must determine whether the rule will have a direct and significant economic burden on small businesses. If so, it must consult with such businesses, consider methods to reduce the burden and create a small business impact statement. If the agency fails to prepare such statement or severely underestimates the rule's impact, a small business can file a petition with the agency within 90 days.

STEP 6 – WORKSHOP

The agency must post a notice of workshop, and then at least 15 days after, must hold a workshop on the proposed rule (may take place before being drafted) to give the public a chance to discuss it.

STEP 7 – NOTICE OF HEARING

A notice of intent to adopt, amend or repeal a regulation is published no sooner than 30 days after being sent to the Legislative Council Bureau. The notice must include the date, time and place of the hearing and how to submit comments.

STEP 8 – PUBLIC COMMENTS

Public is given time to submit written comments on the proposed rule in the manner and by the deadline provided in the notice.

STEP 9 – LEGISLATIVE COUNCIL BUREAU (OPTIONAL)

The Legislative Council Bureau may choose to review a rule before it is adopted, which takes place after the notice and before the public hearing.

STEP 10 – PUBLIC HEARING

Agency holds a hearing on the proposed rule.

STEP 11 – IF CHANGED, LEGISLATIVE COUNCIL BUREAU

The agency must consider all comments and testimony. If the rule is changed, it must go back to the Legislative Council Bureau for review. It must return the rule with any proposed revisions within 30 days.

STEP 12 – RULE ADOPTION

Agency adopts the proposed rule during a meeting. It can also adopt the rule at the public hearing.

STEP 13 – LEGISLATIVE COUNCIL BUREAU

Adopted rule is sent to the Legislative Council Bureau which reviews the adopted rule to make sure it complies with the legislative authority and intent and that if it is said to be required by federal law that it is actually required. The Council may object if it fails to do any of these. If so, the agency must change the rule until the objection is removed.

STEP 14 – SECRETARY OF STATE

If approved by the Legislative Council, the adopted rule goes to the Secretary of State for filing.

STEP 15 – EFFECTIVE DATE

Rules take effect immediately after filing. Emergency rules take effect immediately after filing and last up to 120 days. Temporary rules take effect immediately and last until Nov 1 of the odd year.

STEP 16 – 2ND WORKSHOP (TEMPORARY RULES BEING ADOPTED AS PERMANENT ONLY)

Temporary rules the agency wants to become permanent before they expire must have a 2nd workshop.

STEP 17 – 2ND NOTICE OF HEARING (TEMPORARY RULES BEING ADOPTED AS PERMANENT ONLY)

Temporary rules adopted for which the agency wants to become permanent must have a 2nd notice.

STEP 18 – 2ND HEARING (TEMPORARY RULES BEING ADOPTED AS PERMANENT ONLY)

Temporary rules adopted for which the agency wants to become permanent must have a 2nd hearing.

STEP 19 – LEGISLATIVE COUNCIL (TEMPORARY RULES BEING ADOPTED AS PERMANENT ONLY)

Permanent rule replacing a temporary one must be approved by the Legislative Council.

STEP 20 – RULE ADOPTION (TEMPORARY RULES BEING ADOPTED AS PERMANENT ONLY)

The agency can adopt the permanent rule to replace a temporary one at a meeting.

STEP 21 – LEGISLATIVE COMMISSION (TEMPORARY RULES BEING ADOPTED AS PERMANENT ONLY)

The Legislative Commission or its Subcommittee must approve the adopted rule.

STEP 22 – AGENCY REVIEW

An agency must review a rule every 3 years. It must submit a statement to the Secretary of State of the review and any changes made. An agency must also review all its rules every 10 years to see if any need amended or repealed. It must submit a report to the Legislative Council Bureau within 30 days of completing the review. It is then sent to the legislature for its next session.

New Hampshire

<https://www.nh.gov/almanac/bills.htm>

(New Hampshire Administrative Procedure Act: New Hampshire Stat. 541-A)

STEP 1 – PETITION (IF APPLICABLE)

Any person may petition an agency to adopt, amend or repeal a rule. The agency has 30 days or 30 days after its next meeting to respond to the petitioner with its decision in writing. It can either deny the petition with its reasons or start the rulemaking process below by requesting a fiscal impact statement.

STEP 2 – DRAFTED

Proposed rule is drafted.

STEP 3 – FISCAL IMPACT STATEMENT

The agency shall provide information to the legislative budget assistant to create a fiscal impact statement.

STEP 4 – NOTICE

Agency includes the rule in the notice of proposed rules in the NH Rulemaking Register. For emergency rules that address imminent peril of public health or safety, the agency can file an abbreviated notice and skip most of the steps below.

STEP 5 – FILING

Agency files the text of the proposed rule.

STEP 6 – PUBLIC COMMENTS

Public can comment on the proposed rule in the manner and by the deadline provided in the notice. Comments extend at least 5 business days after a hearing. The office of legislative services may also provide comments.

STEP 7 – PUBLIC HEARING

Agency holds a public hearing on the proposed rule at least 20 days after the notice. The office of legislative services may also testify.

STEP 8 – RULE CHANGES (IF APPLICABLE)

An agency cannot change a rule until after the hearing. It can then prepare a draft final proposed rule with any changes.

STEP 9 – ADDITIONAL HEARING OR COMMENT (IF APPLICABLE)

An agency may hold another hearing or comment period on any draft final proposed rule.

STEP 10 – FINAL RULE

After all comments and hearings, the agency writes the final proposed rule.

STEP 11 – FINAL NOTICE

Agency publishes the final proposal in the NH Rulemaking Register at least 21 days but within 180 days after the original notice.

STEP 12 – COMMITTEE

Final proposal is sent to the Joint Legislative Committee on Administrative Rules. Proposals filed at least 21 days before the next meeting are placed on that meeting agenda. Otherwise, they are placed on the next meeting agenda. The Committee has 60 days to either approve the rule, conditionally approve it or object to it or it is considered approved. If conditionally approved, the agency has 30 days to submit an explanation and how the rule has been amended to comply. The committee then either approves it or objects to it. If a rule is objected, the agency can amend the rule, withdraw it or leave it as is and notify the committee within 45 days. The committee can then approve it or issue a final objection.

STEP 13 – RULE ADOPTION

Agency can adopt the proposed rule at a meeting at least 45 days after filing of the final proposal or 60 days without a notice of objection, when approved by the committee, upon confirmation of compliance with a conditional approval, after the passage of the committee review period, or after legislative action on a concurrent resolution.

STEP 14 – DIRECTOR OF LEGISLATIVE SERVICES

Agency files the final rule with the Director of Legislative Services.

STEP 15 – EFFECTIVE DATE

Rules take effect after filing. Emergency rules take effect after filing and last up to 180 days.

STEP 16 – EXPIRATION

Rules expire 10 years after the effective date unless extended by filing a notice of readoption and following the procedure above.

New Jersey

(New Jersey Administrative Procedure Act: N.J.S.A. 52:14B-1 et seq.)

STEP 1 – PETITION (IF APPLICABLE)

Any interest person may petition an agency to adopt, amend or repeal a rule. The agency has 60 days to deny the petition in writing with its reasons, grant the petition and start rulemaking process below within 90 days, or refer it for further deliberation for up to 90 days. After any further deliberations, the agency must either deny the petition or grant the petition and start the rulemaking process within 90 days. Both the petition when filed and the agency action are published in the New Jersey Register.

If agency does not respond to the petition by the deadlines, the petitioner can submit a written request to the Director of the Office of Administrative Law who notifies the agency that if it doesn't hold a public hearing, the Director will. If the agency does not hold one within 15 days, the Director schedules one and holds it at least 15 days after a notice is sent.

STEP 2 – DRAFTED

Proposed rule is drafted.

STEP 3 – GOVERNOR (EMERGENCY RULE ONLY)

Emergency rules for imminent peril to public health, safety or welfare must go to the Governor for approval of the emergency.

STEP 4 – NOTICE OF INTENT (OPTIONAL)

An agency may file an informal notice of intent in the New Jersey Register and on its website to get comments on it before the formal notice.

STEP 5 – NOTICE

A notice of proposal is published in the New Jersey Register. Notice must contain a summary of the rule, purpose, the authority, socio-economic impact, regulatory flexibility analysis or statement it is not required, jobs impact statement, agriculture industry impact statement, housing affordability impact statement, smart growth development impact statement, and a racial and ethnic community criminal justice and public safety impact statement. The notice also includes the manner and deadline for comments.

Emergency rules do not require a prior notice or hearing. However, the agency may choose to have an abbreviated notice or hearing. If the agency skips them, the rule can be adopted after Governor approval.

STEP 6 – PUBLIC COMMENTS

Public has at least 30 days to comment on the proposed rule in the manner and by the deadline provided in the notice. If sufficient interest in the rule during that time, the public has at least another 30 days to comment.

STEP 7 – PUBLIC HEARING

If requested by a Legislature committee or governmental agency or subdivision, or if there is sufficient public interest within 30 days of the notice, the agency must schedule a public hearing with at least 15 days' notice on its website.

STEP 8 – REPORT

Agency must provide a report on its website with all parties that that provided written or oral comments, a summary of the comments, and the agency's responses to them.

STEP 9 – IF SUBSTANTIAL CHANGES, PUBLIC NOTICE

If the agency makes substantial changes to the proposed rule, it must send the changes and reasons, how it impacts the statements from the original proposal, the report of comments and responses, and how the public can comment on the changes to the Office of Administrative Law for publication in the New Jersey Register. The agency must have a 60-day comment period.

STEP 10 – LEGISLATURE

The Office of Administrative Law sends the proposed rule to the House and Senate, who refer it to the appropriate committee. The Legislature can pass a concurrent resolution prohibiting a rule from taking effect, and if so, it is sent to the Office of Administrative Law and published in the New Jersey Register and New Jersey Administrative Code as an annotation.

STEP 11 – RULE ADOPTION

Rule is adopted by the agency at a meeting.

STEP 12 – NOTICE

Agency sends the adopted rule to the Director of the Office of Administrative Law who endorses it and accepts any Legislature concurrent resolution prohibiting it. Notice of adoption is published in the New Jersey Register.

Agency posts a notice of an adopted emergency rule on its website.

STEP 13 – EFFECTIVE DATE

Rules take effect after publication. Emergency rules take effect immediately after adoption and last up to 60 days. The Legislature can pass a resolution to extend an emergency rule an additional 60 days.

STEP 14 – EXPIRATION

Rules expire 7 years after their effective date or an earlier date listed in the rule. The agency can readopt it without change or readopt it with technical changes (if changes approved by Office of Administrative Law) if the agency files a public notice with the Office of Administrative Law for publication in the New Jersey Register within 30 days before expiration. If substantial changes are proposed, the agency must file a notice of proposed readoption with substantial changes in the New Jersey Register, which extends the expiration 180 days, and then readopt them.

New Mexico

(New Mexico Administrative Procedures Act: NMSA Chapter 12, Article 8)

STEP 1 – PETITION (IF APPLICABLE)

Any interested person may petition an agency to adopt, amend or repeal a rule. The agency has 30 days to either deny the petition in writing with its reasons or start the rulemaking process below.

STEP 2 – DRAFTED

Proposed rule is drafted.

STEP 3 – NOTICE

A notice of proposed rulemaking is published in the New Mexico Register with how and when to submit comments and date, time and place of any hearing. For emergency rules for the preservation of the public peace, health, safety or general welfare, no notice or hearing is required.

STEP 4 – PUBLIC COMMENTS (MAY SKIP TO STEP 6 FOR EMERGENCY RULES)

Public is given time to comment on the proposed rule in the manner and by the deadline in the notice.

STEP 5 – PUBLIC HEARING (OPTIONAL)

The agency may hold a public hearing on the rule.

STEP 6 – RULE ADOPTION

The proposed rule is adopted by the agency at a meeting no sooner than 30 days after the notice.

STEP 7 – NOTICE

A notice of adoption is published in the New Mexico Register. For emergency rules, the notice must be within 7 days of adoption.

STEP 8 – EFFECTIVE DATE

Rules take effect 15 days after filing or a later date specified in the rule. Emergency rules take effect after being published in the register and last up to 60 days.

New York

https://dos.ny.gov/system/files/documents/2022/02/whatisrulemaking_flyer_0_0.pdf

(New York Administrative Procedure Act: New York Statutes SAP)

STEP 1 – REGULATORY AGENDA (IF APPLICABLE) – Note: Changing 12/31/24

Before 12/31/24, several agencies are required to publish a regulatory agenda in a January issue of the New York Register. Starting 12/31/24, agencies have the option to publish a regulatory agenda in the first issue of the January, May or September New York Register. The agenda lists rules the agency is considering proposing during the year.

STEP 2 – PUBLIC COMMENT (IF APPLICABLE)

Public can submit comments on rules in the regulatory agenda.

STEP 3 - DRAFTED

Proposed rule is drafted.

STEP 4 – JOB IMPACT

The agency must determine whether the rule will have a substantial adverse impact on jobs. If not, it must include a statement to that fact in the notice below. If it does, the agency must prepare a job impact statement for the notice.

STEP 5 – NOTICE

A Notice of Proposed Rulemaking is published in the New York Register with the full text, the time, date and place of any hearings and how to submit comments. It must also include the statement regarding job impact, regulatory impact statement, regulatory flexibility analysis and rural area flexibility analysis. Notice must be at least 60 days before adoption if no hearing or before the hearing.

STEP 6 – PUBLIC COMMENTS

The public has at least 60 days to comment on the proposed rules in the manner and by the deadline listed in the notice. If a hearing is required, comments last until 5 days after the last hearing.

STEP 7 – PUBLIC HEARING

The agency may hold a public hearing on the proposed rule at least 60 days after the notice. For certain agencies, they must hold a public hearing if a certain number of people request one.

STEP 8 – IF CHANGED, NOTICE

If the agency substantially changes the proposed rule, it must publish a Notice of Revised Rulemaking in the New York Register. The notice must also contain an assessment of public comments with a summary of all written and oral comments and any changes as a result.

STEP 9 – IF CHANGED, PUBLIC COMMENTS

If the rule is substantially changed, after publishing the revised notice, the public is given another 45 days to comment on the changes.

STEP 10 – RULE ADOPTION

The agency adopts the proposed rule at a meeting.

STEP 11 – NOTICE

A Notice of Adoption is published in the New York Register. If there was no Notice of Revised Rulemaking, the assessment of public comments must be included. For emergency rules, a Notice of Emergency Adoption is published.

STEP 12 – AMENDED NOTICE (IF APPLICABLE)

If the agency makes nonsubstantial changes to the rule before it takes effect, including extending the effective date, it must publish an Amended Notice of Adoption in the New York Register.

STEP 13 – EFFECTIVE DATE

Rules take effect after publishing or a date specified in the rule. Emergency rules take effect after notice and last up to 90 days. In order to readopt it for 60 days, the agency must also start a permanent rule by publishing a Notice of Emergency Adoption and Proposed Rule Making in the Register and then following the normal process.

STEP 14 – RULE REVIEW

A rule must be reviewed during the year listed in the notice of adoption, which must be at least every 5 years. If a regulatory flexibility analysis, rural area flexibility analysis, or job impact statement was required for the rule, it must be reviewed every 3 years. The agency must publish a regulatory agenda in January each year that lists the rules being reviewed that year along with the need for the rule. It must also publish a Rule Review Notice in the New York Register.

STEP 15 – REVIEW - PUBLIC COMMENTS

The public can comment on a rule being reviewed for at least 45 days.

STEP 16 – IF AMENDED, NOTICE

If the agency proposes to amend a rule under review, it must publish a Notice of Proposed Rulemaking in the New York Register.

North Carolina

<https://www.oah.nc.gov/rules-division/participating-rulemaking-process>

(North Carolina Administrative Procedure Act: North Carolina General Statutes Chapter 150B)

STEP 1 – PETITION (IF APPLICABLE)

Any person may petition an agency to adopt a rule by submitting a rule-making petition. The agency has 30 days to deny or grant the petition and send its decision to the petitioner. If granted, the agency must start the rulemaking process below. Within 3 business days of receipt of a petition, the agency must send it to the OAH, who must publish it on its website within 3 business days.

STEP 2 – DRAFTED

The proposed rule is drafted.

STEP 3 – NOTICE (SKIP TO STEP 9 IF EMERGENCY RULE)

Notice is published in the North Carolina Register with the text, authority, proposed effective date, the date, time and place of any hearing or how one can be requested if not scheduled, how to submit comments, and the process to object to a rule and send it to the legislature. Notice is also published on the agency website.

For temporary rules, a notice of public hearing must be published on the Office of Administrative Hearings website. For emergency rules, the Codifier of Rules has 48 hours to review the statement of need for the rule, and if approved, it is published on the OAH website and is adopted. Emergency rules require starting a temporary rule at the same time they are sent to the Codifier.

STEP 4 – PUBLIC COMMENTS

Public has at least 60 days to comment on the proposed rule in the manner and by the deadline in the notice. For temporary rules, the public has at least 15 business days to comment.

STEP 5 – PUBLIC HEARING

If scheduled, the agency holds a public hearing on the proposed rule at least 15 days after the notice. For temporary rules, a hearing is required within 5 days of the notice of public hearing.

STEP 6 – COMMENT REVIEW

The agency must review all oral and written comments.

STEP 7 – IF CHANGED, NOTICE

If the agency makes substantial changes, it must publish it in the North Carolina Register.

STEP 8 – IF CHANGED, COMMENT PERIOD

If the agency makes substantial changes, the public has at least 60 days after the new notice to comment on the changes.

STEP 9 – RULE ADOPTION

Agency adopts the proposed rule at a meeting. For temporary rules, the agency must wait at least 30 business days after publishing the notice of public hearing.

STEP 10 – RULES REVIEW COMMISSION (RRC) (SKIP TO STEP 14 FOR EMERGENCY RULES)

Agency sends the adopted rule to the Rules Review Commission within 30 days after adoption. For temporary rules, the agency must also send a statement of need. The RRC can either approve it, object to it, or approve it with substantial change. For temporary rules, the RRC has 15 business days to respond.

STEP 11 – IF RRC OBJECTS, AGENCY

If the RRC objects to the rule, it goes back to agency for revision.

STEP 12 – IF RRC OBJECTS AND AGENCY REVISES, RRC

If the agency revises the rule, it goes back to the RRC. For temporary rules, the RRC has 5 business days to respond.

STEP 13 – LEGISLATURE (IF 10+ PEOPLE OBJECT)

If at least 10 people object to the rule and request review from the legislature, the legislature reviews it. The legislature can introduce a bill to disapprove it during the first 30 legislative days of the session and pass it, which stops it from taking effect.

While the legislature is working on the bill, the Governor may sign an executive order to allow the rule to take effect immediately or a date specified if it is to protect public health, safety or welfare. If the legislature passes a bill to disapprove the rule, the rule is repealed on the date specified in the bill.

STEP 14 – PUBLISHED IN CODE

Adopted rule, including a temporary or emergency rule, is published in the North Carolina Administrative Code.

STEP 15 – EFFECTIVE DATE

Rules take effect on the 1st day of the month after the month the Commission approves it. If the rule is sent to the legislature without a bill, the bill cannot take effect until the 31st legislative day of the session that begins no sooner than 25 days after the RRC approves the rule. If sent to legislature and a bill is introduced, it takes effect the day an unfavorable final action is taken on the bill or when the session ends without passing the bill.

Temporary rules take effect when published in the Code and expire on the earliest of the date listed in the rule, the effective date of a permanent rule replacing it, date Commission returns the permanent rule to the agency, effective date of act of legislature to disapprove the permanent rule, or 270 days after the temporary rule was published in the register.

Emergency rules take effect when published in the Code and expire on the earliest of the date in the rule, effective date of temporary rule replacing it, date Commission returns a temporary rule replacing it to the agency, or 60 days after the emergency rule was published in the register.

STEP 16 – AGENCY REVIEW

An agency must review its rules at least every 10 years and analyze each rule to see if it is necessary. It must post the analysis on its website and send it to OAH to post on their website, have a comment period for at least 60 days, and submit a report to the Rules Review Commission with the comments and the agency's responses. The Commission submits a final determination report to the Joint Legislative Administrative Procedure Oversight Committee, and the Committee has 60 days to respond. If the Committee disagrees with a rule, it can request that the agency review the rule the following year.

North Dakota

<https://attorneygeneral.nd.gov/wp-content/uploads/2023/02/Administrative-Rules-Manual.pdf>

(North Dakota Administrative Agencies Practice Act: N.D.C.C. Chapter 28-32)

STEP 1 – DRAFTED

Proposed rule is drafted.

STEP 2 – GOVERNOR (EMERGENCY RULES ONLY)

Emergency rules must go to the Governor for approval.

STEP 3 – SCHEDULE PUBLIC HEARING (SKIP TO STEP 5 FOR EMERGENCY RULES)

Agency schedules a public hearing on the proposed rule.

STEP 4 – PREPARE DOCUMENTS

Agency must prepare a Full Notice of Intent to Adopt, Amend, or Repeal Administrative Rules, Abbreviated Notice of Intent to Adopt, Amend or Repeal Administrative Rules, Regulatory Analysis, Takings Assessment, Small Entity Regulatory Statement, Small Entity Economic Impact Statement and Fiscal Note.

STEP 5 – LEGISLATIVE COUNCIL

Agency sends the Full Notice, proposed rule, Governor's declaration (emergency rules only) and cover sheet to Legislative Council. Emergency rules become interim final rules when sent to Legislative Council.

STEP 6 – NOTICE

The Legislative Council publishes the Abbreviated Notice at least once in all county newspapers. It must also send a full notice to the sponsors and co-sponsors for any legislation enacted during the most recent legislative session.

STEP 7 – PUBLIC COMMENTS (SKIP TO STEP 11 FOR EMERGENCY RULES)

Public has until at least 10 days after the public hearing to submit comments on the proposed rule in the manner and by the deadline in the notice.

STEP 8 – PUBLIC HEARING

Agency holds a public hearing at least 20 days after the notice.

STEP 9 – COMMENT SUMMARY

Agency prepares a summary of the comments received and the agency's responses.

STEP 10 – ATTORNEY GENERAL'S OFFICE

Proposed rule and several other documents go to the Attorney General's Office for review for legality. It then sends the agency an Attorney General Rules Opinion.

STEP 11 – RULE ADOPTION

Rule is adopted by the agency at a meeting.

STEP 12 – LEGISLATIVE COUNCIL

Agency sends adopted rule, written comments, summary of oral comments, the analysis and statements it prepared, and Attorney General's rules opinion to Legislative Council. For emergency rules, agency also submits a statement of reasoning and the Governor's letter of approval.

STEP 13 – LEGISLATIVE COUNCIL MEETING

Agency attends Legislative Council meeting.

STEP 14 – PETITION FOR RECONSIDERATION (IF APPLICABLE)

Any interest person may petition an agency to reconsider, amend or repeal a rule. The agency may hold a public Committee hearing.

STEP 15 – ADMINISTRATIVE RULES COMMITTEE

Emergency rules must be approved by the Administrative Rules Committee. For regular rules, the Committee may object to or void the rule. If objected, the objection notice is published in the Code, and the agency has 14 days to respond in writing, and then the Committee can modify or withdraw the objection. To void a rule, the Committee must have initially considered it by the 15th day of the month before publishing in the Code. A void notice is sent to the agency within 3 business days, and the agency has 14 days to file a petition with the legislative management. If no petition is filed, the rule is void on the 15th day, and if legislative management does not disapprove a motion to void a rule within 60 days, it becomes void.

STEP 16 – CODIFICATION

Adopted rule is added to North Dakota Administrative Code.

STEP 17 – EFFECTIVE DATE

Rules take effect January 1 if filed Aug 2 – Nov 1, April 1 if filed Nov 2 – Feb 1, July 1 if filed Feb 2 – May 1, October 1 if filed May 2 – Aug 1. Emergency rules take effect after approval from the Administrative Rules Committee and last up to 180 days.

STEP 18 – ADMINISTRATIVE RULE COMMITTEE REVIEW

The Administrative Rules Committee may request an agency to review its rules and determine if they are obsolete or no longer comply with statute. The agency may amend or repeal the rule and submit the change to the Legislative Council if the agency or Commission made the request, the community was notified and given the time and place the Committee will consider it, and it would not detriment substantive rights of the community.

Ohio

<https://www.legislature.ohio.gov/publications/the-legislative-process>

(Ohio : ORC 111.15 or Chapter 119)

Note: ORC 119 is followed if the agency is listed in 119.01, the rule relates to licensing function, or a statute requires all the agency's rules or this rule to follow it. Otherwise, agencies follow 111.15.

STEP 1 – DRAFTED

Proposed rule is drafted.

STEP 2 – SECRETARY OF STATE (BOTH)

The proposed rule and public notice are sent to the Secretary of State at least 65 days before the final filing.

STEP 3 – LEGISLATIVE SERVICE COMMISSION (BOTH)

The proposed rule and public notice are sent to the Director of the Legislative Service Commission at least 65 days before the final filing. The LSC reviews the rule for errors.

STEP 4 – JOINT COMMITTEE ON AGENCY RULE REVIEW/JCARR (BOTH)

The proposed rule is sent to the Joint Committee on Agency Rule Review which has 65 days to review it. JCARR can file an invalidating concurrent resolution and have the legislature adopt it during that time.

STEP 5 – ORIGINAL FILING (119 RULES ONLY – SKIP TO STEP 10 FOR EMERGENCY RULES)

Original filing of a proposed rule is published in the Ohio Register with a synopsis of the rule, reason for it, and the date and place of the hearing.

STEP 6 – PUBLIC COMMENTS (119 RULES ONLY)

Public is often given a chance to comment on the proposed rule.

STEP 7 – PUBLIC HEARING (119 RULES ONLY)

The agency holds a public hearing 31 to 40 days after the original filing. After the hearing, the agency must file a hearing report.

STEP 8 – IF CHANGED IN 35 DAYS, REVISED FILING (119 RULES ONLY)

A revised filing is published in the Ohio Register if the rule is changed within 35 days after the original filing. The revised text must be sent to the Secretary of State and the Director of the Legislative Service Commission and JCARR.

STEP 9 – IF CHANGED AFTER 35 DAYS, REFILED FILING (119 RULES ONLY)

If a rule is changed more than 35 days after the original filing, a refiled filing is published in the Ohio Register. It is also sent to JCARR, which has an additional 30 days from the new filing date.

STEP 10 – RULE ADOPTION

Agency adopts the rule during a meeting at least 65 days after filing the rule.

STEP 11 – FINAL FILING

A final filing is published in the Ohio Register.

STEP 12 – LEGISLATIVE SERVICE COMMISSION (LSC)

The Legislative Service Commission reviews the rule to make sure it complies with this law and to correct any errors. The agency has 30 days to respond and correct the rule or the LSC will assume it approves the changes.

STEP 13 – JOINT COMMITTEE ON AGENCY RULE REVIEW (JCARR)

Final rule is sent to the Joint Committee on Agency Rule Review for review. It will schedule a meeting.

STEP 14 – EFFECTIVE DATE

Rules take effect at least 10 days from the date of filing or a later date specified. Emergency rules under 119 take effect immediately after filing, and a 111.15 rule takes effect immediately after filing or a later date specified, and both last up to 120 days.

STEP 15 – CODIFIED

Adopted rules are added to the Ohio Administrative Code.

STEP 16 – AGENCY RULE REVIEW

Agencies must review a rule by the review date it specified in the rule (at least every 5 years) and determine whether to continue it without change, amend it or rescind it.

Oklahoma

(Oklahoma Administrative Procedures Act: Oklahoma Statutes §75-250 et. al.)

STEP 1 – PETITION (IF APPLICABLE)

Any interested person may petition an agency to adopt, amend or repeal a rule. The agency has 30 days to either deny the petition or start the rulemaking process below.

STEP 2 – DRAFTED

Proposed rule is drafted.

STEP 3 – NOTICE (OPTIONAL FOR EMERGENCY RULES)

Agency must publish notice of rulemaking intent in the Oklahoma Register. Notice includes rule summary and proposed action, circumstances for it, legal authority, intended effect, request for business entities to submit the increase in cost caused by the rule if applicable, time, place and manner for comments, if the agency will submit a rule impact statement, time and place of hearing or how to request one, and where to get copies of the rule.

Emergency rules do not require notice, but the agency may publish an abbreviated notice.

STEP 4 – GOVERNOR AND CABINET SECRETARY

Agency submits notice to the Governor and cabinet secretary. They have 30 days to disapprove the rule in writing. If disapproved, the agency may NOT adopt the rule.

STEP 5 – RULE IMPACT STATEMENT

Agency must submit a rule impact statement within 15 days after the notice. It may be amended after the comment period and any hearing.

STEP 6 – PUBLIC COMMENTS

Public is given at least 30 days to comment on the proposed rule in the manner and by the deadline in the notice.

STEP 7 – PUBLIC HEARING (OPTIONAL FOR EMERGENCY RULES)

The agency must schedule any public hearing at least 30 days after the notice. If a hearing is requested within 30 days by at least 10 people, a political subdivision, an agency or an association with at least 25 members, the agency must schedule one. Emergency rules do not require a public hearing, but the agency may schedule one.

STEP 8 – RULE REPORT (OPTIONAL FOR EMERGENCY RULES)

Agency must prepare a rule report that summarizes comments and any changes impacted along with other information. Emergency rules do not require a rule report, but the agency may adopt one.

STEP 9 – RULE ADOPTION

Rule is adopted by the agency at a meeting.

STEP 10 – GOVERNOR, LEGISLATURE AND JOINT COMMITTEE ON ADMINISTRATIVE RULES

Regular and emergency rules must be submitted with an impact statement to the Governor, the leaders of the House and Senate and the Joint Committee on Administrative Rules within 10 days after adoption. Regular rules also need the rule report.

The Joint Committee may approve or disapprove a permanent rule, and may request an agency amend or further consider a rule. The Legislature may disapprove or approve a rule by adopting a joint resolution by the last day of the legislative session if received by April 1 OR the last day of the next legislative session if received after April 1. The agency must file a notice of any disapproval in the Oklahoma Register. The Governor can sign or veto such disapproval, and the Legislature can override any veto. The Governor can also issue a Governor's Declaration approving the rule if the Legislature does not act on it.

STEP 11 – STATEMENT OF SUBMISSION (SKIP FOR EMERGENCY RULES)

Once submitted to the Governor and Legislature in Step 10, a statement of submission is published in the Oklahoma Register. Emergency rules do not require a statement of submission.

STEP 12 – IF AFFECTING POLITICAL SUBDIVISION, ADVISORY COMMITTEE ON INTERGOVERNMENTAL RELATIONS (SKIP FOR EMERGENCY RULES)

If the rule impact statement shows that the rule will have an economic impact on political subdivisions, it must send a copy of the rule and rule report to the Advisory Committee on Intergovernmental Relations within 10 days of adoption. It may make recommendations to the Governor and Legislature during their review.

STEP 13 – GOVERNOR APPROVAL (EMERGENCY RULES ONLY)

Emergency rules go to the Governor for approval. The Governor has 45 days to either approve or disapprove it. If disapproved, the Governor must notify the leaders of the House and Senate and Joint Committee on Administrative Rules within 15 days. If approved, it must notify the leaders of House and Senate, Committee, and Office of Administrative Rules immediately.

STEP 14 – IF GOVERNOR DISAPPROVES, AGENCY (EMERGENCY RULES ONLY)

If the Governor disapproves an emergency or fails to act within 45 days, the agency may modify and resubmit the rule.

STEP 15 – NOTICE (EMERGENCY RULES ONLY)

Notice of the adopted emergency rule is published in the Oklahoma Register.

STEP 16 – CODIFICATION (SKIP FOR EMERGENCY RULES)

The adopted permanent rule is published in the Oklahoma Administrative Code.

STEP 17 – EFFECTIVE DATE

Rules take effect 10 days after being published in the Register or a later date specified. Emergency rules take effect immediately after being published in the Register or a later date specified and last from the 1st day of the next legislative session until September 14th.

STEP 18 – AGENCY REVIEW

The Governor by Executive Order, the House or Senate of the Legislature by resolution, or a small business may request that an agency review its rules to see if they need amended, repealed or redrafted. The agency must respond to the Governor or Legislature in 30 days and to small businesses within 90 days.

Oregon

(Oregon Administrative Procedure Act: Oklahoma Statutes Title 18, Chapter 183)

STEP 1 – PETITION (IF APPLICABLE)

Any interested person may petition an agency to adopt, amend or repeal a rule. The agency has 90 days to either deny the petition in writing or start the rulemaking process. For amendments or repeals, the agency must accept public comment.

STEP 2 – PUBLIC INPUT

Agency must encourage public input when drafting the rule. It can appoint an advisory committee to represent the interests of the community, and must get its recommendations on whether there is a fiscal impact, the extent, whether it affects small businesses and suggestions for the statement of fiscal impact. If a committee is not appointed and 10 interested people affected or an association with 10 members affected object to the statement of fiscal impact within 10 days after the notice is published, the agency must appoint a fiscal impact advisory committee. It can also appoint the Small Business Rules Advisory Committee. The agency may also contact a list of interested parties to comment.

STEP 3 – DRAFTED

Proposed rule is drafted.

STEP 4 – NOTICE (OPTIONAL FOR TEMPORARY RULES)

Agency publishes Notice of Proposed Rulemaking in the Oregon Bulletin. The notice must include a caption and summary and must include statutory authority, statute impacted, statement of need for the rule, list of principle documents/reports/studies, statement of fiscal impact, statement of its effect on racial equality, whether an advisory committee was used and reasons why not if applicable, and request for comments.

Temporary rules do not require notice, but the agency may publish an abbreviated notice.

STEP 5 – PUBLIC COMMENTS

Public is given time to comment on the proposed rules in the manner and by the deadline in the notice.

STEP 6 – PUBLIC HEARING (OPTIONAL FOR TEMPORARY RULES)

Agency may hold a public hearing. If requested by 10 people or an association with at least 10 members by the deadlines before a rule takes effect under Step 11, the agency must submit a hearing notice and hold a hearing. The hearing must be at least 21 days after notice to those who request a hearing, those who requested notices from the agency, and the legislator sponsor or legislative committee. A hearing must be at least 14 days after published in the Bulletin, and if the rule applies to a limited geological area, after publishing in a newspaper of general circulation in that area.

Temporary rules do not require a public hearing, but the agency can hold one.

STEP 7 – COMMENT RECORD

The agency must maintain records of all comments received and its responses.

STEP 8 – RULE ADOPTION

Rule is adopted by the agency at a meeting.

STEP 9 – SECRETARY OF STATE

Agency files the adopted rule with the Secretary of State.

STEP 10 – LEGISLATIVE COUNSEL (SKIP FOR TEMPORARY RULES)

Adopted rule is sent within 10 days by the Secretary of State to the Legislative Counsel to issue a determination on its legality. If not legal or constitutional, the agency may respond in writing or attend the interim committee meeting.

STEP 11 – EFFECTIVE DATE

Rules cannot take effect until after a deadline established by agency rule, 21 days after the Bulletin notice, 28 days after providing notice to those who requested it, and 49 days after notice to 1) the legislator who introduced the bill and chairs and co-chairs of committees that passed it if legislation passed in the last 2 years, 2) the chair and co-chair of committee with authority over the subject if legislation was not passed in the last 2 years, or 3) the leaders of the House or Senate if notice cannot go to either of those.

Temporary rules take effect after filing with the Secretary of State and last up to 180 days.

STEP 12 – AGENCY REVIEW

An agency must review a rule every 5 years. A report must be sent to the Secretary of State, Small Business Rules Advisory Committee (unless it prepared the report), and any advisory committee that was appointed for the rule.

Pennsylvania

(Pennsylvania Common Documents Act, The Administrative Code of 1929, Commonwealth Attorneys Act, Regulatory Review Act)

STEP 1 – DRAFTED

Proposed rule is drafted.

STEP 2 – OFFICE OF GENERAL COUNCIL AND OFFICE OF ATTORNEY GENERAL

Proposed rule is sent to Office of General Council and Office of Attorney General for review for form and legality. The Attorney General has 30 days to review it, or it is considered approved.

STEP 3 – NOTICE

A notice of proposed regulation is published in the Pennsylvania Bulletin by the Legislative Reference Bureau with the text, statutory authority, explanation, request for comments, and fiscal note.

STEP 4 – INDEPENDENT REGULATORY REVIEW COMMISSION (IRRC)

When notice is published in the Bulletin, the rule and a Regulatory Analysis Form (RAF) is sent to the Independent Regulatory Review Commission.

STEP 5 – PUBLIC COMMENTS

Public has at least 30 days to submit comments on the proposed rule in the manner and by the deadline in the notice. The IRRC and relevant legislative committees may also comment. The IRRC also notifies groups that may be impacted by the rule.

STEP 6 – INDEPENDENT REGULATORY REVIEW COMMISSION (IRRC)

Within 30 days after the comment period, the Independent Regulatory Review Commission reviews the rule for statutory authority, legislative intent, and if it is in the public's interest. The comments are published in the Pennsylvania Bulletin.

STEP 7 – COMMENT REVIEW

The agency must review and respond to all comments.

STEP 8 – RULE ADOPTION

Rule is adopted by the agency at a meeting.

STEP 9 – LEGISLATIVE COMMITTEE

Final-form regulation is sent to legislative committees. A legislative committee has at least 20 days to act, and may approve, disapprove or intend to further review the rule at least 24 hours before the IRRC meeting. If the committee disapproves or intends further review, it has 14 days to create a concurrent resolution to disapprove it. The House and Senate have the later of 30 days or 10 legislative days to pass it. Then governor has 10 days to sign or veto it.

STEP 10 – IRRC

Final-form regulation is sent to the IRRC for approval. It either approves or disapproves it at its next meeting that must be within 30 days of receipt. If it disapproves, the agency can either withdraw the rule, take no action (considered withdrawn), or file a report with any changes within 40 days. If a report is filed, the IRRC holds another meeting within 15 days. The committee then has 14 days to respond, and may create a concurrent resolution to disapprove it like above.

STEP 11 – OFFICE OF ATTORNEY GENERAL

Agency sends final-form regulation to the Attorney General for another review.

STEP 12 – PUBLISHED

Final-form regulation is published in the Pennsylvania Bulletin.

STEP 13 – EFFECTIVE DATE

Rules take effect and publishing in the Bulletin or a later date specified.

Rhode Island

(Rhode Island Administrative Procedure Act: R.I. Statutes 42-35)

STEP 1 – PETITION (IF APPLICABLE)

Any person may petition an agency to create a rule. The agency has 30 days to either deny the petition in writing with its reasons or start the rulemaking process.

STEP 2 – ADVANCE NOTICE (OPTIONAL)

Agency may file an advance notice of proposed rulemaking in the Rhode Island Register to gather information about the subject of a rule before it is drafted. It may create committees or workshops. Committee meetings require 15 days prior notice.

STEP 3 – DRAFTED

Proposed rule is drafted.

STEP 4 – REGULATORY ANALYSIS (SKIP FOR EMERGENCY RULES)

Agency must prepare a regulatory analysis on the rule that analyzes the costs and benefits.

STEP 5 – OFFICE OF REGULATORY REFORM (ORR)

The Office of Regulatory Reform has 30 days to approve any proposed rule, including emergency and direct final rules.

STEP 6 – NOTICE (OPTIONAL FOR EMERGENCY RULES)

Agency files notice of proposed rulemaking and summary of regulatory analysis with the Secretary of State to be published in the Rhode Island Register and publishes them on its website at least 30 days before filing a final rule. Notice is also published in a newspaper of general circulation. Notice includes how a copy of the regulatory analysis can be obtained and where, when and how to submit comments or request a hearing.

Emergency rules for the imminent peril to public health, safety or welfare or loss of federal funding may be passed without prior notice.

Direct final rules (rules expected to be noncontroversial) must also be published in the Rhode Island Register and on the agency website.

STEP 7 – PUBLIC COMMENTS

Public has at least 30 days to comment on the proposed rule in the manner and by the deadline listed in the notice. Public also has 30 days to object to direct final rules, and if so, the rulemaking process must be completed.

STEP 8 – PUBLIC HEARING (OPTIONAL FOR EMERGENCY RULES/SKIP TO STEP 12 FOR DIRECT FINAL RULES)

The agency may hold a public hearing on the rule at least 10 days after the notice. If 25 people, a government agency, or an association with at least 25 members request a hearing within 10 days of the

notice, the agency must schedule one. Emergency rules do not require a hearing, but the agency may schedule one.

STEP 9 – RULE ADOPTION

Agency adopts the proposed rule at a hearing.

STEP 10 – GOVERNOR (EMERGENCY RULES)

Emergency rules must be signed by the Governor.

STEP 11 – OFFICE OF REGULATORY REFORM (ORR) (SKIP FOR EMERGENCY AND DIRECT FINAL RULES)

Office of Regulatory Reform has 30 days to make a final review of the rule and any comments.

STEP 12 – SECRETARY OF STATE

An agency must file the adopted rule with the Secretary of State within 180 days after the comment period, which reviews it to make sure it followed this process, and may reject it within 15 days if it does not. It may also make non-substantive corrections.

STEP 13 – NOTICE

Notice of adopted rule, including an emergency rule, is published in the Rhode Island Register.

STEP 14 – EFFECTIVE DATES

Rules take effect 20 days after filing with the Secretary of State or a later date specified. Emergency rules take effect after signing by the Governor and last up to 120 days and can be renewed an additional 60 days with ORR approval. Direct final rules take effect 30 days after publishing in the Register unless objection is made.

STEP 15 – REFILING

All agency rules must be refiled every 5 years by the 1st Tuesday in January. The agency must give notice 30 days before refiling, or if not refiling, 30 days before the refiling deadline.

South Carolina

<https://www.scstatehouse.gov/register/2008FlowChartCombined.pdf>

(South Carolina state agency rulemaking: S.C. Code of Laws 1-23-10 to 1-23-160)

STEP 1 – PETITION (IF APPLICABLE)

Any interested person may petition an agency to adopt, amend or repeal a rule. The agency has 30 days to either deny the petition in writing with its reasons or start the rulemaking process.

STEP 2 – DRAFTING NOTICE (SKIP TO STEP 4 FOR EMERGENCY RULES)

Notice of drafting period is published in the South Carolina Register.

STEP 3 – ASSESSMENT REPORT

For a rule with a substantial economic impact and if requested by 2 members of the legislature during the drafting period, the Budget and Control Board, Division of Research and Statistical Services, must create an assessment report.

STEP 4 – DRAFTED

Proposed rule is drafted.

STEP 5 – NOTICE (SKIP TO STEP 8 FOR EMERGENCY RULES)

Notice of the proposed rule is published in the South Carolina Register. Notice includes any preliminary assessment report, preliminary fiscal impact statement, statement of need and reasonableness, public hearing notice and how to submit comments.

STEP 6 – PUBLIC COMMENTS

Public has at least 30 days to submit comments on the proposed rule in the manner and by the deadline in the notice.

STEP 7 – PUBLIC HEARING

Agency holds a public hearing at least 30 days after the notice. If no hearing is scheduled, if 25 people, a governmental subdivision, or an association with at least 25 members request one, the agency must schedule one.

STEP 8 – RULE ADOPTION

Rule is adopted by the agency at a meeting.

STEP 9 – FINAL ASSESSMENT REPORT (SKIP FOR EMERGENCY RULES)

If requested by 2 members of the legislature, the agency must have the final assessment report prepared.

STEP 10 – LEGISLATIVE COUNCIL

Agency files regulation, synopsis of changes, fiscal impact statement, statement of rationale, and final assessment report (if requested) with Legislative Council. Emergency rules only need the rule and reason for the emergency.

STEP 11 – GENERAL ASSEMBLY REVIEW (SKIP TO STEP 13 FOR EMERGENCY RULES)

Legislative Council sends the rule to the leaders of the House and Senate who send it to the appropriate House and Senate committees for review. They have 120 days to act. If the committee fails to act in 60 days, it must schedule it at the next meeting. If the committee does not create legislation to approve or disapprove it by the deadline, it is considered approved unless a member of the House or Senate introduces a joint resolution within 30 days after being submitted to the committee. If the committee creates a joint resolution approving it and the legislature passes it, the rule is approved. If the joint resolution only approves part of the rule, then that part is approved and the rest fails. If the joint resolution disapproves the rule and is passed, the rule fails (Note: The 120-day deadline stops when the resolution is introduced unless the resolution gets a negative vote). The committee can also request that the agency withdraw the rule and resubmit it with changes (120-day deadline starts on date of request). The agency can withdraw it permanently or fail to act within 30 days causing it to be withdrawn. The agency can abide by the legislature's action and notify committee (review period continues). The agency can also resubmit with the requested changes (review period continues – has at least 20 days).

STEP 12 – NOTICE

If approved by the legislature, notice of the approved rule is published in the South Carolina Register.

STEP 13 – EFFECTIVE DATE

Rules take effect after filing in the Register.

Emergency rules take effect immediately after filing with the Legislative Council and last up to 90 days. If the legislature is not in session when they are filed or expire, the agency can refile them for an additional 90 days. If refiled, 2 members of the legislature can request a final assessment report, and the report along with the statement of need are published in the South Carolina Register.

STEP 14 – AGENCY REVIEW

Agencies must review their rules every 5 years. They must submit a report of rules they want to repeal, rules they want to amend and rules that have no changes to the Code Commissioner.

South Dakota

<https://sdlegislature.gov/Rules/RulesManual>

(South Dakota Administrative Procedures Act: South Dakota Codified Law Chapter 1-26)

STEP 1 – PETITION (IF APPLICABLE)

Any interested person other than an inmate may petition an agency to create, amend or repeal a rule. The agency has 30 days to either deny the petition in writing with its reasons or start the rulemaking process below.

STEP 2 – DEPARTMENT SECRETARY OR STATE ENTITY

Before drafting a rule, the agency needs approval from the department secretary or state entity that it is attached to.

STEP 3 – DRAFTED

Proposed rule is drafted.

STEP 4 – LEGISLATIVE RESEARCH COUNCIL (LRC)

At least 20 days before the public hearing, the agency sends the director of the Legislative Research Council the rule, publications incorporated by reference, fiscal note, impact statement on small business, housing cost impact statement, and a notice of hearing. The director reviews the proposed rule for style, form, clarity, and legality and notifies the agency of any recommended changes before the hearing, or within 3 days if an emergency rule. If the agency does not agree, it may appeal to the Interim Rules Review Commission.

STEP 5 – BUREAU OF FINANCE AND MANAGEMENT (BFM) (SKIP FOR EMERGENCY RULES)

At least 20 days before the public hearing, the agency must send the commissioner of the Bureau of Finance and Management the rule, fiscal note, impact statement on small business, housing cost impact statement and notice of the hearing.

STEP 6 – NOTICE

Notice of the public hearing is published in 3 newspapers of general circulation. It includes how to submit comments. For emergency rules, a notice of intent to adopt an emergency rule must be published. Notice is also published in the South Dakota Register.

STEP 7 – PUBLIC COMMENTS (SKIP TO STEP 10 FOR EMERGENCY RULES)

Public has until at least 10 days after the public hearing (if authority is secretary, commissioner, or officer) or 72 hours before hearing (if part-time citizen board, commission, committee, or task force) to submit comments on the proposed rule in the manner and by the deadline in the notice.

STEP 8 – PUBLIC HEARING

Agency holds a public hearing on the proposed rule after at least 20 days' notice.

STEP 9 – COMMENT REVIEW

Agency must consider all comments. It may amend the rule.

STEP 10 – RULE ADOPTION

Agency adopts the proposed rule at a meeting.

STEP 11 – INTERIM RULES REVIEW COMMISSION (IRRC)

Agency sends minutes of the hearing, record of written comments, impact statement on small business, fiscal note, information to increase a fee (if applicable), and a corrected copy of the rule to the Interim Rules Review Committee at least 5 days before its meeting. The IRRC may consider the rulemaking complete, revert the rule back to an earlier step for amendments, or suspend the rule.

STEP 12 – LEGISLATIVE RESEARCH COUNCIL (LRC)

Agency sends final rule to Legislative Research Council with all required information for publishing in the Administrative Rules of South Dakota.

STEP 13 – SECRETARY OF STATE

The rule, if approved by the IRRC, is filed with the Secretary of State within 60 days of IRRC approval. For emergency rules, they must be filed within 30 days of the notice of intent to adopt an emergency rule.

STEP 14 – EFFECTIVE DATE

Rules are provisionally effective 20 days after filing with the Secretary of State or a later date specified and fully effective July 1 after the next legislative session.

Emergency rules take effect immediately after filing with the Secretary of State or a date specified up to 20 days later and last 90 days.

Tennessee

<https://sos.tn.gov/publications/services/rulemaking-guidelines>

(Tennessee Uniform Administrative Procedures Act: Tennessee Code Annotated Title 4, Chapter 5)

STEP 1 – PETITION (IF APPLICABLE)

A municipality, corporation or 5 people may petition an agency to adopt, amend or repeal a rule. The agency shall promptly either deny the petition in writing with its reasons or start the rulemaking process below.

STEP 2 – DRAFTED

Proposed rule is drafted.

STEP 3 – NOTICE (MAY SKIP FOR EMERGENCY RULES)

Notice of Rulemaking Hearing is published on the Tennessee Administrative Register website by the Secretary of State within 7 days of receipt if the agency is required to hold a hearing. Notice must include time and place of the hearing, express terms of the rule, and statutory authority. If no hearing is required, a Proposed Rules is used. Proposed rules must have nonsubstantial changes, be approved by joint government operations committee, repeal a rule, or eliminate or reduce fees. Wildlife proclamations are also published which are hunting and fishing seasons, limits, and areas.

STEP 4 – PUBLIC COMMENTS

Public is given time to comment on the proposed rule in the manner and by the deadline in the notice.

STEP 5 – PUBLIC HEARING (MAY SKIP FOR EMERGENCY RULES)

Agency is required to hold a public hearing on the rule, except emergency or proposed rules, at least 7 days after being sent to the Secretary of State and 45 days after the notice. If requested by 10 people, an association with at least 10 members, a municipality, or a standing committee of the legislature within 90 days of filing a proposed rule, the agency must hold one. Hearings are also required for emergency rules being turned into permanent rules.

STEP 6 – RULE ADOPTION

Agency adopts the rule at a meeting.

STEP 7 – ATTORNEY GENERAL

Rule must be approved for legality and constitutionality by the Attorney General.

STEP 8 – REPORTER OF THE STATE

Rule must be approved for legality and constitutionality by the Reporter of the State.

STEP 9 – SECRETARY OF STATE

Rule is sent to Secretary of State and published in the Register. Emergency rules are also published.

STEP 10 – GOVERNMENT OPERATIONS COMMITTEES

Adopted rule is reviewed by the government operations committees or a subcommittee within 90 days of filing. The committee must hold at least 1 public hearing.

STEP 11 – EFFECTIVE DATE

Rules take effect 90 days after filing with the Secretary of State. Rules that increase fees or create new ones take effect the July 1 after the 90 days. The agency may extend the effective date by 75 days by publishing a stay of effective date of rules in the Register. The government operations committee may also extend the date for 90-day periods at a time up to the 5th legislative day year following the filing.

Emergency rules take effect immediately after filing with the Secretary of State and last up to 180 days.

STEP 12 – EXPIRATION

Permanent rules expire June 30 of the year after they were filed unless the agency extends them to a certain date or indefinitely.

STEP 13 – AGENCY REVIEW

On 12/31/23 and every 8 years, agencies must submit a report to the chair of the government operations committee which includes whether each rule should be amended or repealed, reviewed further, or continued in effect without amendment.

Texas

https://www.texasattorneygeneral.gov/sites/default/files/files/divisions/general-oag/adminlaw_hb.pdf

(Texas Administrative Procedure Act: TX Government Code §§ 2001.0225 through 2001.041; Negotiated Rulemaking Act: Texas Government Code § 2008)

NOTE: Texas encourages what it known as negotiated rulemaking where rules are drafted by a committee.

STEP 1 – PETITION (IF APPLICABLE)

Any interested person (resident, business entity, governmental subdivision, or public or private organization in the state) may petition an agency to adopt a rule. If the agency requires signatures, at least 51% must be residents. The agency has 60 days to either deny the petition in writing with its reasons or start the rulemaking process.

STEP 2 – CONVENER (IF NO NEGOTIATED RULEMAKING SKIP TO STEP 5)

Agencies using negotiated rulemaking appoint a convener that consults with those impacted by a proposed rule to determine whether they would participate in it, whether the agency should use it, which issues it should address and whether there are other interested people. The convener then recommends whether or not to use negotiated rulemaking and makes a report of the number significantly impacted, probability that interests would be adequately represented, probability of interests to negotiate in good faith, probability committee would reach unanimous or suitable consensus, probability that it will not unreasonably delay notice and adoption, adequacy of agency and citizens to participate, probability committee will have balanced representation, and willingness of agency to accept the committee consensus.

STEP 3 – NOTICE FOR NEGOTIATED RULEMAKING

Agency must publish notice of intent of negotiated rulemaking in the Texas Register that includes statement of intent to use negotiated rulemaking, subject and scope of rule, known issues, interests affected, proposed committee members, request for comments on the rulemaking or committee, and procedure to get on the committee.

STEP 4 – NEGOTIATED RULEMAKING COMMITTEE

The agency based on the public comments appoints the members of the negotiated rulemaking committee. The committee then discusses the subject of the proposed rule, reaches a consensus on the rule draft, and makes a report with the proposed text and any unresolved issues.

STEP 5 – DRAFTED

Proposed rule is drafted. If negotiated rulemaking is used, the proposed rule in the committee report is used. If the rule imposes a cost on regulated persons, it must, unless exempt, repeal a rule that imposes an equal or greater cost or amend a rule to decrease the costs by at least that amount.

STEP 6 – STATEMENTS REQUIRED (SKIP TO STEP 15 FOR EMERGENCY RULES)

Agency must determine if the proposed rule impacts local economies, and if so, must prepare a local employment impact statement. The agency must also prepare a government growth impact statement. The agency must also conduct a regulatory analysis for major environmental rules and prepare a draft impact analysis.

STEP 7 – NOTICE

Notice of proposed rule is sent to the Secretary of State for publishing in the Texas Register at least 30 days before adoption. The notice must include an explanation of the rule, text, statutory authority, fiscal note, notice of public benefits and costs, local employment impact statement (if applicable), and a request for comments. If negotiated rulemaking was used, a statement that such rulemaking was used and the committee report must be included. The agency must also publish a summary of the rule on its website starting 9/1/2023.

STEP 8 – LEGISLATURE COMMITTEES

Proposed rules are sent to the appropriate standing committees for review. The committees may send a statement supporting or opposing adoption of the rule.

STEP 9 – PUBLIC COMMENT

Public has at least 30 days to comment on the proposed rules in the manner and by the deadline in the notice.

STEP 10 – PUBLIC HEARING

The agency may hold a public hearing on the proposed rule. If requested by a governmental subdivision or agency, 25 people, or an association with at least 25 members, the agency must hold one.

STEP 11 – COMMENT REVIEW

Agency must review all comments received. It may amend the rule.

STEP 12 – GOVERNOR (IF APPLICABLE)

Rules that impact market competition must be reviewed by the Governor within 90 days. The rule can either be approved or rejected with instructions for revisions.

STEP 13 – RULE ADOPTION

Agency adopts the proposed rule at a meeting at least 30 days after the notice and within 6 months after.

STEP 14 – STATEMENT OF REASONS (IF APPLICABLE)

If requested before adoption or within 30 days of adoption, the agency must prepare a statement of the reasons for and against adoption along with reasons for overruling any comments against adoption.

STEP 15 – NOTICE

Agency must file an order adopting a rule with the Secretary of State who publishes it in the Texas Register. Order must include statement of authority, certification, and justification that includes summary of comments, summary of factual basis for rule, and reasons for any disagreement. Emergency rules must also be published.

STEP 16 – EFFECTIVE DATE

Rules take effect 20 days after filing, a later date specified in the rule, or on a date required by federal law, except that a rule required because of legislation does not take effect until after the legislation does. Emergency rules take effect immediately after filing and last up to 120 days and may be renewed another 60 days.

STEP 17 – AGENCY REVIEW

A rule must be reviewed every 4 years and must be readopted, readopted with amendments, or repealed.

Utah

<https://rules.utah.gov/help-rulemaking-process-detail/>

(Utah Administrative Rulemaking Act: Utah Code Title 63G, Chapter 3)

PREPROPOSAL PHASE

STEP 1 – PETITION (IF APPLICABLE)

Any interested person may petition an agency to adopt, amend or repeal a rule. The agency has 60 days to either deny the petition in writing with its reasons or start the rulemaking process below. If sent to a Board with rulemaking power, the Board must place the petition on its agenda within 45 days and must deny it or start rulemaking within 80 days.

STEP 2 – DRAFTED

Proposed rule is drafted with the assistance of those impacted. The Attorney General may provide assistance.

STEP 3 – SMALL BUSINESS IMPACT REDUCTION

If there is a measurable negative impact on small businesses, agency must conduct a small business impact reduction analysis.

STEP 4 – FISCAL IMPACT

The agency must conduct an analysis on the fiscal impact the rule may have on businesses.

STEP 5 – RULE ANALYSIS

Agency prepares a rule analysis. The analysis has the rule summary and purpose, statutory or other authority, costs or savings, compliance costs, how to view the full rule and comment, time and place of any hearing, agency contact person, agency head who authorized it, proposed effective date, fiscal impact analysis and comments, any required small business impact analysis, and a summary of any rule being repealed.

STEP 6 – GOVERNOR’S OFFICE OF PLANNING AND BUDGET (OPTIONAL)

Agency may prefile rule with the Governor’s Office of Planning and Budget for review.

PROPOSAL PHASE

STEP 7 – OFFICE OF ADMINISTRATIVE RULES (OFFICE)

Proposed rule and rule analysis is filed with the Office of Administrative Rules. This is also required for emergency rules.

STEP 8 – GOVERNOR’S OFFICE OF MANAGEMENT AND BUDGET (GOMB) (SKIP TO STEP 10 FOR EMERGENCY RULES)

Division sends the rule to the Governor’s Office of Management and Budget for review.

STEP 9 – GOVERNOR’S OFFICE OF ECONOMIC DEVELOPMENT

GOMB sends the proposed rule to the Governor's Office of Economic Development.

STEP 10 – RULE ANALYSIS

Agency sends a rule analysis to those who requested it, those who are required to be notified, and those it decides should be notified. This includes emergency rules.

STEP 11 – OFFICE OF ADMINISTRATIVE RULES (OFFICE)

The Office of Administrative Rules makes sure the rule has all the required information and that it complies with this law.

STEP 12 – NOTICE

Office of Administrative Rules publishes the proposed rule, including emergency rules, in the Utah State Bulletin.

STEP 13 – APPROPRIATIONS SUBCOMMITTEE AND INTERIM COMMITTEE (IF APPLICABLE) (SKIP FOR EMERGENCY RULES)

For a proposed rule with a fiscal impact over 3 years of \$250,000 to a single person or \$7.5 million to a group of people, the agency must send the proposed rule to the appropriations subcommittee and the relevant interim committees for review. They must notify the Administrative Rule Review and General Oversight Committee of the review with the date, time and place and notify them again of the outcome.

STEP 14 – ADMINISTRATIVE RULE REVIEW AND GENERAL OVERSIGHT COMMITTEE

Office provides a copy of the Bulletin to the Administrative Rule Review and General Oversight Committee. The Committee reviews the rule to make sure it is authorized, meets legislative intent, the impact on economy and affected persons, total cost to entities and benefit to citizens, and whether it needs legislative approval. The Committee may request the agency to appear before it. The Committee may recommend legislative action by preparing legislation for the next legislative session or recommend action by a standing or interim committee.

STEP 15 – COMMENT PERIOD (SKIP TO STEP 20 FOR EMERGENCY RULES)

Public has 30 to 113 days to comment on the proposed rule in the manner and by the deadline in the notice.

STEP 16 – PUBLIC HEARING

The agency may schedule a public hearing on the proposed rule. The agency must hold one if required by a state or federal mandate. If a state agency, 10 interested people, or an interested association with at least 10 members requests a hearing within 15 days of the notice, the agency must schedule one 7 to 30 days after.

STEP 17 – SMALL BUSINESS IMPACT REDUCTION (IF NOT PREPARED)

If requested, the agency must conduct a small business impact reduction analysis if not done already.

COMMENT CONSIDERATION

STEP 18 – COMMENT REVIEW

The agency must take at least 7 days after the comment period to consider all written and oral comments.

STEP 19 – IF CHANGED, NOTICE

Agencies may make substantial changes to a proposed rule up to 120 days after publishing the initial notice. If the agency makes substantial changes to the rule, it must publish the text and a rule analysis of the change in the Utah State Bulletin.

ADOPTION PHASE

STEP 20 – RULE ADOPTION

Agency adopts the proposed rule at a meeting.

STEP 21 – OFFICE OF ADMINISTRATIVE RULES (OFFICE)

Agency notifies the Office of Administrative Rules of its adoption and its effective date.

STEP 22 – FINAL NOTICE

Division publishes the effective date in the Utah State Bulletin.

STEP 23 – EFFECTIVE DATE

Rules take effect on the date specified by the agency. It must be at least 7 days after the comment period and within 120 days after notice is published. If rule changes are made, the effective date must be at least 30 days after publishing the last notice of change. Emergency rules take effect after filing or a date specified in the rule and last up to 120 days.

CODIFICATION

STEP 24 – CODIFICATION

Division publishes the adopted rule in the Utah Administrative Code.

ENFORCEMENT

STEP 25 – ADMINISTRATIVE RULE REVIEW COMMITTEE

The Administrative Rule Review Committee may again review the rule and request the agency to appear before it.

STEP 26 – LEGISLATURE REAUTHORIZATION

Every rule in effect on February 28 expires on May 1 of that year unless reauthorized by the legislature. The Administrative Rule Review and General Oversight Committee must prepare omnibus legislation each legislative session that reauthorizes rules of all agencies except those it wants to change or expire. The legislature must then pass it, and the governor must sign it. If the legislature does not pass it, the Governor can publish a declaration in the Bulletin by June 15 extending them.

Before going to the Governor, the Committee may send a letter to the Governor on why a rule should not be reauthorized. If a rule is not reauthorized by the legislature, the agency may petition for the governor's declaration to extend its effective date, and the Governor may approve the petition and post it in the Bulletin by April 15.

STEP 27 – AGENCY REVIEW

Agencies must review a rule the later of 5 years after its original effective date or within 5 years after filing the last 5-year review. If it cannot meet that deadline, it may file for a 120-day extension. It must decide whether to continue, repeal, or amend and continue the rule. If continuing it without change, the agency must file with the Office of Administrative Rules the five-year notice of review and statement of continuation with the relevant statute, summary of written comments since the last review, and justification of continuing the rule. If repealing a rule, the agency must follow the rulemaking process above and state that it is a result of five-year review. If amending and continuing a rule, the agency must follow the rulemaking process above and file the five-year notice of review and statement of continuation.

If the agency does not take any of the actions above, the rule expires the day after the missed deadline.

Vermont

(Vermont Administrative Procedure Act: Title 3 Vermont Statutes Ann. Chapter 25)

STEP 1 – WRITTEN REQUEST (IF APPLICABLE)

Any person may submit a written request for an agency to adopt, amend or repeal a rule. The agency has 30 days to either deny the request in writing or start the rulemaking process below.

Any person may also submit a written request for an agency to adopt a guidance document as a rule or amend or repeal one. The agency has 30 days to either deny the request in writing or start the rulemaking process below.

STEP 2 – DRAFTING NOTICE (OPTIONAL)

Agency may submit a rule drafting notice with a timeline.

STEP 3 – PUBLIC COMMENTS (OPTIONAL)

The drafting notice may contain a public comment period where the public can comment on the items and topics listed.

STEP 4 – STAKEHOLDER WORKSHOP OR GROUP (OPTIONAL)

Agency may appoint a stakeholder group to work on issues the agency wants to draft into a rule. The group or workshop may also work on developing the draft.

STEP 5 – INITIAL DRAFT (OPTIONAL)

The agency, based on any public feedback received or stakeholder group or workshop, may prepare an initial draft of the rule.

STEP 6 – PUBLIC HEARING/INITIAL DRAFT (OPTIONAL)

The agency may hold a public hearing on any initial draft or the topics in general.

STEP 7 – DRAFTED

Agency prepares the final draft of a proposed rule.

STEP 8 – INITIATE RULEMAKING

Agency initiates the rulemaking process at a meeting.

STEP 9 – INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (SKIP FOR EMERGENCY RULES)

The agency prefiles a proposed rule with the Interagency Committee on Administrative Rules at least 15 days before publishing the notice. The Committee creates a strategy for maximizing public input on the rule, including the time, place, and frequency of hearings.

STEP 10 – SECRETARY OF STATE (SKIP FOR EMERGENCY RULES)

Agency files the proposed rule with the Secretary of State. The filing must include the agency and subject of the rule, analysis of economic impact, analysis of environmental impact, any material

incorporated by reference, rule text with any changes marked, required strategy for improving public input, scientific information used, summary of rule and its effect, statutory authority, necessity, people/enterprises/government entities affected, agency contact person, schedule for adopting the rule including the date, time, and place of any hearing and comment deadline, any exemption from the Public Records Act, and signed statement by adopting authority.

STEP 11 – NOTICE

Secretary of State publishes an online notice of the proposed rule within 2 weeks of receipt. It must also publish notice once in general newspapers. For emergency rules, the agency provides any notice practicable.

STEP 12 – PUBLIC COMMENTS

Public can comment on the proposed rule up to 7 days after the last public hearing, or 15 days after publication in the newspapers if no hearing, in the manner and by the deadline in the notice.

STEP 13 – PUBLIC HEARING (OPTIONAL FOR EMERGENCY RULES)

Agency may hold a public hearing on the proposed rule. If requested by 25 people, a governmental subdivision or agency, the Interagency Committee on Administrative Rules, or an association with at least 25 members, the agency must schedule one at least 30 days after the notice.

STEP 14 – FINAL PROPOSAL (SKIP TO STEP 18 FOR EMERGENCY RULES)

Agency files a final proposal with the Secretary of State and the Legislative Committee on Administrative Rules.

STEP 15 – LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES

The Legislative Committee on Administrative Rules may hold a hearing on a final proposal after giving notice at least 10 days prior.

STEP 16 – STANDING COMMITTEES

The Legislative Committee on Administrative Rules sends a copy of the final proposal to the chairs of the relevant standing committees and their members that request it, and, if a Public Records Act exemption, to the chairs of the Committees of Government Operations.

The Legislative Committee on Administrative Rules may also by vote send a final proposal to a standing committee to review it if the issues are outside of the its jurisdiction. Such committee may review it.

STEP 17 – LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES

The Legislative Committee on Administrative Rules has 45 days after the filing of the final proposal to approve it, object to it, or automatically approve it by not taking action. If it objects and recommends the agency amend or withdraw it, it must promptly notify the agency. The agency has 14 days to respond and make any revisions. The Committee may then modify or remove its objection. If the Committee does not remove its objection, it may vote to approve a certified objection and submit it to the Secretary of State.

STEP 18 – RULE ADOPTION

If no notice of objection by the Committee in 45 days, approved by the Committee, or after responding to an objection, the agency can adopt the rule during a meeting.

STEP 19 – SECRETARY OF STATE

Agency files the adopted rule with the Secretary of State within 8 months of the initial filing unless extended.

STEP 20 – LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (EMERGENCY RULES ONLY)

Emergency rules are sent to the Legislative Committee on Administrative Rules after adoption. The Committee may by vote object to it and submit its objection to the Secretary of State. The agency may amend the rule or withdraw it.

STEP 21 – EFFECTIVE DATE

Rules take effect 15 days after adoption or a later date specified. Emergency rules take effect after filing and last up to 180 days.

STEP 22 – LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES

The Legislative Committee on Administrative Rules may hold a hearing on an existing rule and file objections to it.

STEP 23 – AGENCY REVIEW

The Legislative Committee on Administrative Rules may submit a written request to an agency for a rule that has not been adopted, readopted, or substantially amended in the last 6 years. If it does, the rule expires in a year. The agency may adopt a similar rule using the rulemaking process above.

Virginia

<http://register.dls.virginia.gov/process.shtml>

(Virginia Administrative Process Act: Code of Virginia § 2.2-4000 et seq.)

STEP 1 – PETITION (IF APPLICABLE)

Any person may petition an agency to create or amend a rule. Any petition is published in the Virginia Register of Regulations within 14 days. Public has 21 days to comment on the petition. Agency has 90 days after the comment period (or 14 days after its next meeting if no meeting during that time) to either deny the petition in writing with its reasons or grant it and start the rulemaking process.

STEP 2 – EXECUTIVE BRANCH REVIEW

Notice of Intended Regulatory Action (NOIRA) is sent for Executive Branch review under the Virginia Regulatory Town Hall. It is reviewed in this order: Department of Planning and Budget, Cabinet Secretary, Office of Regulatory Management, and Governor.

STEP 3 – NOTICE OF INTENDED REGULATORY ACTION (NOIRA)

Notice of Intended Regulatory Action (NOIRA) is published in the Virginia Register of Regulations. If this rule is due to a statute change, the notice must be published within 120 days after it takes effect. The NOIRA must include whether the agency will hold a hearing.

STEP 4 – PUBLIC COMMENT

Public has at least 30 days to comments on the proposal in the manner and by the deadline in the NOIRA.

STEP 5 – DRAFTED

Agency considers public comments and drafts the proposed rule.

STEP 6 – EXECUTIVE BRANCH REVIEW

Agency sends the proposed rule for Executive Branch review under the Virginia Regulatory Town Hall. It is reviewed in this order: Office of the Attorney General, Department of Planning and Budget, Cabinet Secretary, Office of Regulatory Management, and Governor. The Department of Planning and Budget determines the public benefit and has 45 days to submit an economic impact statement (may be extended 30 days).

STEP 7 – NOTICE

The proposed rule, statement with basis/purpose/substance/issues of the rule, Economic Impact Analysis from the Department of Planning and Budget and the agency response, and agency contact person are published in the Virginia Register. Emergency rules may be considered adopted once published. Fast-track rules (rules expected to be noncontroversial) are also published.

STEP 8 – PUBLIC COMMENTS (MAY SKIP TO STEP 19 FOR EMERGENCY RULES)

Public has 60 days to comment on the proposed rule in the manner and by the deadline in the notice. For fast-track rules, the public has 30 days to comment. If 10 members of the public, a member of the Joint Commission on Administrative Rules, or a relevant standing committee of the House or Senate object to the fast-track process during the comment period, the agency must follow the normal rulemaking process.

STEP 9 – PUBLIC HEARING

Agency may hold a public hearing on the proposed rule. If requested by the Governor or 25 people during the NOIRA public comments, the agency must schedule one.

STEP 10 – CHANGES (SKIP TO STEP 19 FOR FAST-TRACK RULES)

Agency may make changes to the proposed rule based on public comments and publish a revised rule.

STEP 11 – ADDITIONAL PUBLIC COMMENT

25 people may request that the agency suspend adopting a rule another 30 days to solicit additional public comment. If an agency files a revised rule, it must have a 30-day comment period.

STEP 12 – GOVERNOR

Governor has 15 days after the public comment period to review the rule to make sure it is necessary for public health, safety and welfare and clearly written. Governor may recommend changes to comply with statute.

STEP 13 – RULE ADOPTION

Agency adopts the proposed rule at a meeting if no objection from the Governor, after incorporating the Governor's suggestions, or despite the Governor's recommendations.

STEP 14 – EXECUTIVE BRANCH REVIEW

If the rule was substantially changed, the Attorney General reviews it again. Then it is reviewed by Department of Planning and Budget, Cabinet Secretary, Office of Regulatory Management, and Governor.

STEP 15 – FINAL NOTICE

The adopted rule with any changes marked is published in the Virginia Register.

STEP 16 – GOVERNOR

Governor has 30 days after the final notice to review the rule. Governor may formally object to it and send the objection to the Registrar and agency. The Governor can also suspend the effective date of all or part of a rule until the end of the next legislative session. Both are published in the Virginia Register.

STEP 17 – STANDING COMMITTEES OR JOINT COMMISSION ON ADMINISTRATIVE RULES

The relevant standing committees of the House or Senate or the Joint Commission on Administrative Rules may meet and object to the rule and publish the objection in the Register within 30 days after the final notice. The agency has 21 days to respond.

STEP 18 – ADDITIONAL PUBLIC COMMENT

Governor may require an agency to post a notice in the Virginia Register and provide another public comment period of 30 days if any changes the agency made were substantial.

STEP 19 – EFFECTIVE DATES

Rules take effect 30 days after publishing or a later date specified. If the legislative committees or JCAR provides an objection, the rule takes effect after the 21-day period. If additional comment is required, the effective date is a date after the comment period as specified by the agency. If the Governor extends the effective date, then it takes effect after the end of the next legislative session. If a request for additional comment was made, the agency must make an effective date at least 15 days after the comment period.

Emergency rules may take effect immediately after the first filing and last up to 18 months unless extended by the Governor another 6 months. Fast-track rules with no objections take effect 15 days after the public comment period ends or a later date specified.

STEP 20 – AGENCY REVIEW

If a rule did not have a review due to a rule change in the last 4 years, the agency must review it to determine whether to continue it without change, amend it, or repeal it. The agency must post a notice of the review in the Virginia Register, have at least a 21-day public comment period, and publish a report of the findings in the Virginia Register within 120 days after the close of the comment period.

Washington

(Washington Administrative Procedure Act: Revised Code of Washington Chapter 34.05)

STEP 1 – PETITION (IF APPLICABLE)

Any person may petition an agency to adopt, amend or repeal a rule. The agency has 60 days to either deny the petition in writing with its reasons and any alternative ways the agency will address the concerns or start the rulemaking process.

If the agency denies an amendment or repeal that is believed to not be within the intent of the legislature or was not made following law, the petitioner may petition for review by the Joint Administrative Rules Review Committee, which must acknowledge receipt and any initial action within 30 days. If not rejected, the Committee must provide final action within 90 days (may be extended until 90 days after adjournment of legislature if it met during that time).

For other denials for amendment or repeal, the petitioner may appeal to the Governor within 30 days. The Governor has 45 days to either deny the petition with the reasons and any alternative ways that the concerns will be addressed OR require the agency to start the rulemaking process if listed in RCW 43.17.010 or request rulemaking if not listed.

STEP 2 – RULES DEVELOPMENT AGENDA (SKIP TO STEP 17 FOR EMERGENCY RULES)

Agency must publish an agenda in the Washington State Register by January 31st and July 31st for rules it plans on developing.

STEP 3 – PREPROPOSAL STATEMENT OF INQUIRY (SKIP TO STEP 9 FOR EXPEDITED RULES)

Agency files a Preproposal Statement of Inquiry (CR-101) with the Code Revisor for publishing in the Washington State Register. It states that the agency is adopting or amending a rule, the reasons why, the statutory authority, other state or federal agencies that regulate it and cooperation with them, process of developing the rule, and how interested parties may participate.

STEP 4 – PUBLIC COMMENT

Public is given time to comment on the preproposal in the manner listed in the notice.

STEP 5 – PUBLIC HEARING (OPTIONAL)

Agency may hold a hearing on the preproposal.

STEP 6 – INITIAL DRAFT (OPTIONAL)

Agency may provide an initial draft for comment.

STEP 7 – DRAFTING

Agency may meet with interested parties and conduct other measures to help with the drafting process.

STEP 8 – SMALL BUSINESS ECONOMIC IMPACT STATEMENT

If the proposal will create more than a minimal cost to business or industry or is requested by the Joint Administrative Rules Review Committee, then the agency must prepare a small business economic impact statement.

STEP 9 – FINAL DRAFT

Agency prepares the final draft of the rule.

STEP 10 – NOTICE OF PROPOSED RULEMAKING

Agency files the rule and a Notice of Proposed Rulemaking (CR-102) with the Code Revisor for publishing in the Washington State Register at least 30 days after the statement of inquiry. The notice includes the title and description and explanation of the rule, statutory authority, agency contact information, person or organization proposing it, any agency comments, whether the law is from federal law or federal or state court action, how to submit comments, adoption date proposed, small business economic impact statement or why it is not needed, and whether it is considered a significant rule and, if so, the statement that preliminary cost benefit analysis is available.

If expedited rule, the agency files an Expedited Rulemaking Notice.

STEP 11 – PUBLIC COMMENTS

Public has time to submit comments on the proposed rule in the manner and by the deadline in the notice. For expedited rules, the public has 45 days to comment and object to the rule. If objected, the agency must follow the normal rulemaking process.

STEP 12 – JOINT ADMINISTRATIVE RULES REVIEW COMMITTEE

The Joint Administrative Rules Review Committee has until 7 days before the public hearing to review a rule to make sure it is within the intent of the legislature and follows this law.

STEP 13 – PUBLIC HEARING (SKIP TO STEP 17 FOR EXPEDITED RULES)

Agency holds one or more hearings on the proposed rule at least 20 days after the notice.

STEP 14 – CHANGES (IF APPLICABLE)

Agency may make changes to the rule. If substantial changes, the agency may file a supplemental notice in the Register or list the reasons for the changes with the Rulemaking Order.

STEP 15 – CONCISE EXPLANATORY STATEMENT

Agency prepares a concise explanatory statement with reasons for adopting the rule, description of any changes, and a summary of all comments and reasons for including or not including them in the rule.

STEP 16 – RULE ADOPTION

Agency adopts the proposed rule at a meeting.

STEP 17 – RULEMAKING ORDER

Agency files adopted rule and Rulemaking Order (CR-103) with the Code Revisor for publishing in the Register. For emergency rules, the agency files the Order of Adoption of Emergency Rule or Amendment with its findings and reasons.

STEP 18 – PETITION

Any person may petition an agency within 60 days of the rulemaking order to amend any portion of a rule that is substantially different than the proposed rule. The agency must follow the petition process and start rulemaking.

For emergency rules, a person has 7 days after filing to petition the Governor to immediately repeal it. The Governor has 7 days to deny the petition in writing with the reasons or to repeal it.

STEP 19 – EFFECTIVE DATE

Rules take effect 31 days after filing or a later date listed. Emergency rules take effect after filing and last up to 120 days.

STEP 20 – POSTADOPTION NOTICE

Agency must notify businesses within 200 days after adoption if the rule creates additional requirements for them.

STEP 21 – JOINT ADMINISTRATIVE RULES REVIEW COMMITTEE

The Joint Administrative Rules Review Committee may review an existing rule to make sure it is within the legislative intent, followed this law, and that the rule is not actually a policy or interpretive statement. If it does not, the Committee files a written review with the agency, and the agency has 30 days to file a notice of hearing and publish it in the Register. The agency must consider all comments and notify the Committee of its intended action within 7 days of the hearing. If the agency does not intend to change the rule to comply with legislative intent, the rule did not follow this law, or the agency will not replace a policy or interpretive statement with a rule, then the Committee may file an objection with the Code Revisor. If not within legislative intent or did not follow this law, the Committee may vote to suspend the rule and file written notice to the appropriate standing committees of the legislature, Governor, Code Revisor, and agency. The Governor has 30 days to approve or disapprove it, and if approved, the suspension takes effect immediately and lasts 90 days after the end of the next legislative session. If it is a policy or interpretive statement, the Committee may vote to notify the Governor.

West Virginia

(West Virginia Administrative Procedures Act: West Virginia Code Chapter 29A)

STEP 1 – DRAFTED

Proposed rule is drafted.

STEP 2 – NOTICE (SKIP TO STEP 10 FOR EMERGENCY RULES)

A Notice of Public Comment is filed with the Secretary of State for publishing in the West Virginia Administrative Register. The notice includes the date, time, and place of providing public comments.

STEP 3 – PUBLIC COMMENT

Agency may either provide a written comment period, hold a hearing, or both.

STEP 4 – PUBLIC HEARING

Agency may either provide a written comment period, hold a hearing, or both. Notice of hearing is published in the Register 30 to 60 days before the hearing or the last day of written comments.

STEP 5 – COMMENT REVIEW

Agency must respond to all comments and state reasons whether they were or were not added to the rule.

STEP 6 – RULE ADOPTION

Agency adopts the proposed rule at a meeting within 90 days of the hearing or comment period.

STEP 7 – LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Agency must send the adopted rule to the Legislative Rule-making Review Committee for review. The Committee may hold hearings. The agency may authorize the rule, authorize part of the rule, authorize the rule with amendments, recommend withdrawal, or reject the rule. Committee publishes its decision with any reasons in the Register and sends it to the agency. Committee then either drafts a bill or has the Office of Legislative Services draft one to authorize the rule or part of it with any amendments. If the rule is not authorized, the Committee includes a recommendation.

STEP 8 – CHANGES

If the LRMRC recommends changes, the agency can file a notice in the Register with the changes.

STEP 9 – LEGISLATURE

The LRMRC submits the bill to the Legislature at least 40 days before the 60th day of the legislative session or during a special session. The bill may be sent to a relevant standing committee. The legislature may combine all rules of an agency or committee into one bill. The legislature then must pass the bill. If the legislature disagrees with all or part of the rule, the rule fails. However, the agency may resubmit it to LRMRC.

STEP 10 – ADOPTION NOTICE

The rule approved by the legislature is published in the Register. Emergency rules are filed with the Secretary of State for publishing.

STEP 11 – SECRETARY OF STATE (EMERGENCY RULES ONLY)

Emergency rules are sent to the Secretary of State for review to make sure it does not exceed the scope of law, that an emergency exists, and that this law was complied with. The Secretary of State has 42 days to approve or disapprove.

STEP 12 – ATTORNEY GENERAL (EMERGENCY RULES ONLY)

Secretary of State may submit an emergency rule to the Attorney General for approval.

STEP 13 – EFFECTIVE DATE

Rules take effect after publishing, the date provided in the bill, or a later date up to 90 days as provided by the agency. Emergency rules take effect after approval by the Secretary of State or Attorney General or the 42nd day after filing and last up to 15 months.

Wisconsin

https://docs.legis.wisconsin.gov/misc/lc/misc/rule_making_process_flowchart.pdf

(Wisconsin Administrative Procedure: Wis. Stat. Chapter 227; Executive Order #50, 2011)

STEP 1 – PETITION (IF APPLICABLE)

Any municipality, an association representing a farm, labor, business, or professional group, or 5 interested people may petition an agency to start a rule. The agency must either deny the petition in writing with its reasons or start the rulemaking process.

STEP 2 – SCOPE STATEMENT

Agency prepares a scope statement with the objective of the rule, existing policies, statutory authority, time state employees will spend developing it and other resources, entities affected, and existing or proposed federal regulation. The scope statement is sent to the Department of Administration (DOA) for approval of the agency's authority. Then it goes to the Governor for approval.

STEP 3 – SCOPE STATEMENT PUBLISHED

If approved by the Governor, the scope statement is filed with the Legislative Reference Bureau for publishing in the Wisconsin Administrative Register within 30 days of the approval.

STEP 4 – SCOPE STATEMENT CHANGES (IF APPLICABLE)

If the agency changes the scope statement in a meaningful way, it must submit a revised scope statement for approval.

STEP 5 – PRELIMINARY NOTICE (IF APPLICABLE)

If the agency holds a preliminary hearing and comment period, the agency must send a notice to the Legislative Reference Bureau with the date, time, and place of the hearing and how to submit comments.

STEP 6 – PRELIMINARY COMMENT PERIOD (IF APPLICABLE)

Agency may hold a preliminary comment period on the scope statement starting at least 3 days after the preliminary notice. The Joint Committee for Review of Administrative Rules (JCRAR) may also require one within 10 days of the scope notice.

STEP 7 – PRELIMINARY PUBLIC HEARING (IF APPLICABLE)

Agency may hold a preliminary public hearing on the scope statement at least 3 days after the hearing notice. The Joint Committee for Review of Administrative Rules (JCRAR) may also require one within 10 days of the scope notice.

STEP 8 – AGENCY HEAD APPROVAL

The head of the agency must approve the scope statement at least 10 days after it is published and after any preliminary comment period or hearing. Agency must submit all preliminary comments received.

STEP 9 – DRAFTED

Proposed rule is drafted.

STEP 10 – ECONOMIC IMPACT ANALYSIS/EIA (SKIP FOR EMERGENCY RULES)

Agency must prepare an economic impact analysis. If the agency determines a rule will cost over \$10 million in a 2-year period to initiate and comply with, the agency is required to either have a bill enacted or amend the rule so it is below that amount.

STEP 11 – EIA PUBLIC COMMENT (SKIP FOR EMERGENCY RULES)

Agency must hold a public comment period on the EIA of 14 days if little to no economic impact, 30 days for moderate impact, and 60 days for significant impact.

STEP 12 – FISCAL ESTIMATE (SKIP FOR EMERGENCY RULES)

Agency must prepare a fiscal estimate. Sometimes this is combined with the EIA.

STEP 13 – INITIAL REGULATORY FLEXIBILITY ANALYSIS (IF APPLICABLE)

If the rule has ANY impact on small business, the agency must prepare an initial regulatory flexibility analysis.

STEP 14 – SMALL BUSINESS REGULATORY REVIEW BOARD/SBRRB (IF APPLICABLE)

If the rule has an economic impact on small businesses, the rule is sent to the Small Business Regulatory Review Board at the same time it goes to the Legislative Council below.

STEP 15 – LEGISLATIVE COUNCIL ADMINISTRATIVE RULES CLEARINGHOUSE (SKIP FOR EMERGENCY RULES)

Agency sends the rule, the EIA, and the fiscal estimate to the Legislative Council Administrative Rules Clearinghouse, which has 20 working days to check it for compliance with this law, statutory authority, clarity, references, form, conflict with other laws, and compliance with federal law. It first goes to an attorney or analyst where a Clearinghouse Report is prepared, and then to the director or assistant director.

STEP 16 – HEARING NOTICE (SKIP FOR EMERGENCY RULES)

Agency must publish notice of public hearing with the hearing information, rule, EIA, any initial regulatory flexibility analysis, and small business coordinator in the Register. This may be done before the Clearinghouse Report.

STEP 17 – CHANGES (IF APPLICABLE)

Agency may make germane changes to the rule without additional notice if done before the hearing.

STEP 18 – PUBLIC HEARING (SKIP FOR EMERGENCY RULES)

Agency holds a public hearing on the rule at least 10 days after the notice (must also be after the Clearinghouse Report or the end of the 20 days). If a municipality, association representing a farm, labor, business, or professional group, or 25 interested people request a hearing within 30 days of the notice, it must hold one.

STEP 19 – RULE ADOPTION

Agency prepares the final draft of the rule and adopts it at a meeting.

STEP 20 – PUBLIC HEARING (FOR EMERGENCY RULES)

For emergency rules, agency must hold a public hearing within 45 days after adopting the rule.

STEP 21 – GOVERNOR

Final draft is sent to the Governor for review. The Joint Committee for Review of Administrative Rules is provided notice of the final rule when it is sent to the Governor.

STEP 22 – STANDING COMMITTEES

Agency has 30 months from publishing the scope statement to file a rule for legislative review. The notice of the final rule and report go to standing committees of the legislature. The House and Senate have 10 working days to send them to the committees. The committees have 30 days to review it, which may be extended 30 days if the committee asks for review with the agency or posts a notice of a hearing. If the agency makes a germane change during that time, it extends an additional 10 days. If the committee asks for changes, the review lasts until 10 days after they are received from the agency.

STEP 23 – REVIEW NOTICE

Notice of sending the final rule to the House and Senate with the date of approval by the Governor is sent to the Legislative Reference Bureau for publication in the Register.

STEP 24 – JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES (JCRAR)

Rule then goes to the Joint Committee for Review of Administrative Rules. It has 30 days to review it, which may be extended 30 days if the Committee reviews it with the agency or publishes a hearing notice. If the committee objected, JCRAR can either nonconcur, object to it, or request changes. If JCRAR objects, it submits a bill in the House and Senate within 30 days, and if it passes, the rule fails. JCRAR can also indefinitely object to the rule, and the rule fails unless the legislature passes a new law.

STEP 25 – FINAL NOTICE

After all approvals, a certified copy of the rule is sent to the Legislative Reference Bureau for publishing in the Register.

STEP 26 – EFFECTIVE DATE

Rules take effect the first day of the month after the date of publication, a date required by statute, later date specified in the rule, or first day of the 3rd month after publication if a significant economic impact on small business. Emergency rules take effect immediately after publication in the state newspaper or a later date specified and last up to 150 days unless JCRAR extends it up to two times for 60 days.

STEP 27 – JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES (JCRAR)

The Committee must hold a public hearing if it receives any complaint with merit on an enacted rule. The Committee may then vote to temporarily suspend a rule as a result for the same reasons it can

object to a proposed rule. It must publish a class I notice in the state newspaper, take executive action within 30 days of the suspension, introduce bills in the legislature in 5 working days, and submit a written report. Bills introduced from February 1 of the odd-year session to before the next session are introduced at the next session. Bill is sent to appropriate committee, which has 30 days to act, or it is reported without recommendation. Full House or Senate then has 40 days from the referral or the next floor period to pass the bill. If both bills fail, the rule remains and may not be suspended again; if either pass, the rule is repealed and may not be reintroduced without a bill authorizing it.

The Committee may also require an agency to hold a public hearing, publish a class I notice in the state newspaper, and hold a hearing within 60 days.

STEP 28 – AGENCY REVIEW

Agency must review its rules and submit a report to the Committee by March 31 of odd-years. The report must list all rules that are unauthorized due to legislation that repealed or amended its authority, with restricted authority, obsolete or unnecessary, duplicative/superseded/in conflict with other law, or are economically burdensome. It must also state the agency's action and the status of rules in previous report not included or a statement that no rules apply. If unauthorized, it must petition for rule repeal.

STEP 29 – SMALL BUSINESS REGULATORY REVIEW BOARD

If the Small Business Regulatory Review Board determines that a rule places an unnecessary burden on small businesses, it may submit a report and its recommendation to the Committee. The Committee may follow the same process in Step 27 or send it to legislative committees.

Wyoming

https://sos.wyo.gov/Rules/Docs/WY_Rulemaking_Process.pdf

(Wyoming Administrative Procedure Act: Wyoming Statutes §§ 16-3-101 to 16-3-115; 28-9-101 to 28-9-108)

STEP 1 – PETITION (IF APPLICABLE)

Any interested person may petition an agency to adopt, amend or repeal a rule. The agency must either deny the petition with the reasons in writing or start the rulemaking process as soon as practicable.

STEP 2 – DRAFTED

Proposed rule is drafted upon consultation with the Attorney General.

STEP 3 – GOVERNOR

Governor must approve proceeding with rulemaking. For emergency rules, agency submits an emergency rules packet with the Governor with memorandum of the emergency, Statement of Principal Reasons, certification page and text.

STEP 4 – NOTICE (SKIP TO STEP 9 FOR EMERGENCY RULES)

Agency files a Proposed Rule Packet with the Secretary of State with Notice of Intent, Statement of Principal Reasons, and copies of the rule with and without changes shown. It may also publish a notice in a newspaper of general circulation. It also files it with the Attorney General and Legislative Service Office. The LSO submits the notice of any new rule to the sponsor and the committees that acted on the legislation.

STEP 5 – PUBLIC COMMENTS

Public has at least 45 days to comment on the proposed rule in the manner and by the deadline in the notice.

STEP 6 – PUBLIC HEARING

Agency may hold a public hearing on the rule. If requested by 25 people, a governmental subdivision, or an organization with 25 members, the agency must hold one after the public comment period.

STEP 7 – COMMENT REVIEW AND CHANGES

The agency must review all comments received. The agency can also make changes to the rule based on the comments. If substantial, the agency may refile the rule.

STEP 8 – IF CHANGES, ADDITIONAL PUBLIC COMMENT

If the agency refiles the rule with substantial changes not based on the comments, public again has 45 days to comment on it.

STEP 9 – RULE ADOPTION

Agency adopts the proposed rule at a meeting.

STEP 10 – LEGISLATIVE SERVICE OFFICE

The agency must send the adopted rule to the Legislative Service Office for review within 10 days of adoption. The LSO prepares a rule review report that includes comments from the sponsor and standing committees. This report is sent to the agency, Governor and Attorney General.

STEP 11 – MANAGEMENT COUNCIL

The Legislative Service Office submits the rule review report to the Management Council within 15 days of receipt or 10 days after the adjournment of the legislature if in session. The Council may receive assistance from the standing committee that handled it or the relevant joint interim committee. The Council may approve the rule or recommend to amend or rescind a rule and send its decision to the agency and Governor. The Governor has 15 days to either order the rule be amended or rescinded or file objection with the Council.

STEP 12 – STATEMENT OF PRINCIPAL REASONS (SKIP TO STEP 15 FOR EMERGENCY RULES)

If requested by an interested person before adoption or within 30 days after, the agency must file a concise statement of principal reasons for overruling the consideration against adoption.

STEP 13 – LEGISLATURE

Adopted rule is sent to the legislature for review. It then gives feedback to the Governor.

STEP 14 – ATTORNEY GENERAL

Attorney General then reviews the rule and submits its recommendation to the Governor.

STEP 15 – GOVERNOR

The rule then goes to the Governor for review. If approved, the certification page is signed. If disapproved, the Governor may veto all or part of it making that part fail. If disapproved, the Governor must also send them to the Legislative Management Council within 15 days.

For emergency rules, the Governor can either send them back for further drafting or sign them.

STEP 16 – SECRETARY OF STATE

The rule is filed with the Secretary of State within 75 days of adoption. Notice of adoption is sent within 10 days to those who requested it.

STEP 17 – EFFECTIVE DATE

Rules take effect after filing. Emergency rules take effect after filing and last up to 120 days unless refiled for an additional 120 days.

STEP 18 – MANAGEMENT COUNCIL

If a rule does not meet criteria, the Management Council may introduce legislation in the next legislative session to prohibit implementation or enforcement of the rule. If the legislation passes, the rule is null and void. If not, the rule may be enforced.