

§2178. Rulemaking -- Article 8

1. Rule-making powers. The commission shall exercise its rule-making powers pursuant to the criteria set forth in this section and the rules adopted under this section. Rules and amendments to rules become binding as of the date specified in each rule or amendment and have the same force and effect as provisions of this compact.

[PL 2017, c. 258, Pt. A, §1 (NEW).]

2. Adoption. Rules or amendments to rules must be adopted at a regular or special meeting of the commission.

[PL 2017, c. 258, Pt. A, §1 (NEW).]

3. Notice publication. Prior to promulgation and adoption of a final rule or rules by the commission, and at least 60 days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

A. On the publicly accessible website of the commission; and [PL 2017, c. 258, Pt. A, §1 (NEW).]

B. On the publicly accessible website of each licensing board or in the publication in which each party state would otherwise publish proposed rules. [PL 2017, c. 258, Pt. A, §1 (NEW).]
[PL 2017, c. 258, Pt. A, §1 (NEW).]

4. Notice contents. The notice of proposed rulemaking under subsection 3 must include:

A. The proposed time, date and location of the meeting in which the rule will be considered and voted upon; [PL 2017, c. 258, Pt. A, §1 (NEW).]

B. The text of the proposed rule or amendment and the reason for the proposed rule or amendment; [PL 2017, c. 258, Pt. A, §1 (NEW).]

C. A request for comments on the proposed rule from any interested person; and [PL 2017, c. 258, Pt. A, §1 (NEW).]

D. The manner in which an interested person may submit notice to the commission of the intention to attend the public hearing and any written comments. [PL 2017, c. 258, Pt. A, §1 (NEW).]
[PL 2017, c. 258, Pt. A, §1 (NEW).]

5. Materials submission. Prior to adoption of a proposed rule, the commission shall allow any interested person to submit written data, facts, opinions and arguments, which must be made available to the public.

[PL 2017, c. 258, Pt. A, §1 (NEW).]

6. Public hearing opportunity. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment.

[PL 2017, c. 258, Pt. A, §1 (NEW).]

7. Public hearing procedure. The commission shall publish the place, time and date of the scheduled public hearing.

A. A public hearing must be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing. All public hearings must be recorded, and a copy must be made available upon request. [PL 2017, c. 258, Pt. A, §1 (NEW).]

B. Nothing in this section may be construed as requiring a separate public hearing on each rule. Rules may be grouped for the convenience of the commission at public hearings required by this section. [PL 2017, c. 258, Pt. A, §1 (NEW).]
[PL 2017, c. 258, Pt. A, §1 (NEW).]

8. Attendance. If no one appears at the public hearing, the commission may proceed with promulgation of the proposed rule.

[PL 2017, c. 258, Pt. A, §1 (NEW).]

9. Consideration of comments. Following the scheduled public hearing date, or by the close of business on a scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

[PL 2017, c. 258, Pt. A, §1 (NEW).]

10. Final action. The commission shall, by majority vote of all administrators, take final action on a proposed rule and determine the effective date of the rule, if any, based on the rule-making record and the full text of the rule.

[PL 2017, c. 258, Pt. A, §1 (NEW).]

11. Emergency rulemaking. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment or public hearing, in which case the usual rule-making procedures provided in this compact and in this section must be retroactively applied to the rule as soon as reasonably possible and in no event later than 90 days after the effective date of the rule. For the purposes of this subsection, an emergency rule is one that must be adopted immediately in order to:

A. Meet an imminent threat to public health, safety or welfare; [PL 2017, c. 258, Pt. A, §1 (NEW).]

B. Prevent a loss of commission or party state funds; or [PL 2017, c. 258, Pt. A, §1 (NEW).]

C. Meet a deadline for the promulgation of an administrative rule that is required by federal law or rule. [PL 2017, c. 258, Pt. A, §1 (NEW).]

[PL 2017, c. 258, Pt. A, §1 (NEW).]

12. Revisions. The commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions must be posted on the publicly accessible website of the commission. The revision is subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge must be made in writing and delivered to the commission prior to the end of the notice period. If no challenge is made, the revision takes effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

[PL 2017, c. 258, Pt. A, §1 (NEW).]

SECTION HISTORY

PL 2017, c. 258, Pt. A, §1 (NEW).

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