

§4261. Rule-making functions of the interstate commission - Article 11**(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)****(WHOLE SECTION TEXT EFFECTIVE ON CONTINGENCY: See T. 22, §4264, sub-§2)**

1. Rules. The interstate commission shall adopt and publish rules in order to effectively and efficiently achieve the purposes of this chapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2007, c. 255, §6 (NEW).]

2. Rule-making criteria. Rulemaking must occur pursuant to the criteria set forth in this section and the bylaws and rules adopted pursuant to this section. Rulemaking must substantially conform to the principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or the other administrative procedure acts as the interstate commission determines appropriate consistent with due process requirements under the United States Constitution as now or hereafter interpreted by the United States Supreme Court. All rules and amendments become binding as of the date specified, as published with the final version of the rule as approved by the interstate commission.

[PL 2007, c. 255, §6 (NEW).]

3. Adopting rule. When adopting a rule, the interstate commission shall, at a minimum:

A. Publish the proposed rule's entire text stating the reason for that proposed rule; [PL 2007, c. 255, §6 (NEW).]

B. Allow and invite all persons to submit written data, facts, opinions and arguments, which information must be added to the record and be made publicly available; and [PL 2007, c. 255, §6 (NEW).]

C. Adopt a final rule and its effective date, if appropriate, based on input from state or local officials or interested parties. [PL 2007, c. 255, §6 (NEW).]

[PL 2007, c. 255, §6 (NEW).]

4. Effect of law. Rules adopted by the interstate commission have the force and effect of statutory law and supersede any state law, rule or regulation to the extent of any conflict.

[PL 2007, c. 255, §6 (NEW).]

5. Judicial review. Not later than 60 days after a rule is adopted, an interested person may file a petition in the United States District Court for the District of Columbia or in the federal district court where the interstate commission's principal office is located for judicial review of the rule. If the court finds that the interstate commission's action is not supported by substantial evidence in the rule-making record, the court shall hold the rule unlawful and set it aside.

[PL 2007, c. 255, §6 (NEW).]

6. Reject rule. If a majority of the legislatures of the member states rejects a rule, those states may by enactment of a statute or resolution in the same manner used to adopt the compact cause that the rule has no further force and effect in any member state.

[PL 2007, c. 255, §6 (NEW).]

7. Existing rules. The existing rules governing the operation of the Interstate Compact on the Placement of Children superseded by this chapter are void no less than 12 but no more than 24 months after the first meeting of the interstate commission created under this chapter, as determined by the members during the first meeting.

[PL 2007, c. 255, §6 (NEW).]

8. Scope of rules. Within the first 12 months of operation, the interstate commission shall adopt rules addressing the following:

- A. Transition rules; [PL 2007, c. 255, §6 (NEW).]
- B. Forms and procedures; [PL 2007, c. 255, §6 (NEW).]
- C. Time lines; [PL 2007, c. 255, §6 (NEW).]
- D. Data collection and reporting; [PL 2007, c. 255, §6 (NEW).]
- E. Rulemaking; [PL 2007, c. 255, §6 (NEW).]
- F. Visitation; [PL 2007, c. 255, §6 (NEW).]
- G. Progress reports and supervision; [PL 2007, c. 255, §6 (NEW).]
- H. Sharing of information and confidentiality; [PL 2007, c. 255, §6 (NEW).]
- I. Financing of the interstate commission; [PL 2007, c. 255, §6 (NEW).]
- J. Mediation, arbitration and dispute resolution; [PL 2007, c. 255, §6 (NEW).]
- K. Education, training and technical assistance; [PL 2007, c. 255, §6 (NEW).]
- L. Enforcement; and [PL 2007, c. 255, §6 (NEW).]
- M. Coordination with other interstate compacts. [PL 2007, c. 255, §6 (NEW).]
[PL 2007, c. 255, §6 (NEW).]

9. Emergency. Upon determination by a majority of the members of the interstate commission that an emergency exists:

A. The interstate commission may adopt an emergency rule only if it is required to:

- (1) Protect a child covered by this chapter from an imminent threat to health, safety and well-being;
- (2) Prevent loss of federal or state funds; or
- (3) Meet a deadline for the adoption of an administrative rule required by federal law; [PL 2007, c. 255, §6 (NEW).]

B. An emergency rule becomes effective immediately upon adoption, as long as the usual rule-making procedures provided under this section are retroactively applied to the rule as soon as reasonably possible but no later than 90 days after the effective date of the emergency rule; and [PL 2007, c. 255, §6 (NEW).]

C. An emergency rule must be adopted as provided for in the rules of the interstate commission. [PL 2007, c. 255, §6 (NEW).]
[PL 2007, c. 255, §6 (NEW).]

SECTION HISTORY

PL 2007, c. 255, §6 (NEW).

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