

§8053-A. Notice to legislative committees

1. Proposed rules. At the time of giving notice of rulemaking under section 8053 or within 10 days following the adoption of an emergency rule, the agency shall provide to the Legislature, in accordance with subsection 3, a fact sheet providing the information as described in section 8057-A, subsection 1 and a written notice identifying whether the proposed rule or adopted emergency rule is a routine technical rule or a major substantive rule as defined in subchapter 2-A.

A. If an agency determines that a rule that it intends to adopt will be substantially different from the proposed rule, it shall provide the Legislature with a revised fact sheet with the information defined in section 8057-A, subsection 1, as it relates to the substantially different rule. The revised fact sheet must be provided to the Legislature in accordance with subsection 3. [PL 2019, c. 146, §6 (AMD).]

B. [PL 1989, c. 574, §5 (RP).]

C. [PL 1989, c. 574, §5 (RP).]

D. [PL 1989, c. 574, §5 (RP).]

[PL 2019, c. 146, §6 (AMD).]

2. Regulatory agenda. The agency shall provide copies of its agency regulatory agenda, as provided in section 8060, to the Legislature at the time that the agenda is issued.

[PL 1989, c. 574, §5 (RPR).]

3. Submission of materials to the Legislature. When an agency, pursuant to subsection 1 or 2, provides materials to the Legislature, it shall provide them to the Executive Director of the Legislative Council, who shall refer the materials to the appropriate committee or committees of the Legislature for review. The agency shall provide sufficient copies of the materials for each member of the appropriate committee or committees.

[PL 1989, c. 574, §5 (NEW).]

4. Adopted rules. When an agency adopts rules, it shall provide a copy of the adopted rules, the statement required by section 8052, subsection 5, and the checklist required by section 8056-A to the Secretary of State who shall compile the adopted rules by agency.

[PL 1989, c. 574, §5 (NEW).]

5. Annual lists of rule-making activity. By February 1st of each year, the Secretary of State shall provide the Executive Director of the Legislative Council lists by agency of all rules adopted by each agency in the previous calendar year. The Executive Director of the Legislative Council shall refer each list to the appropriate joint standing committee or committees of the Legislature for review. Each list must include for each rule the following information, which must be submitted by each agency to the Secretary of State:

A. The statutory authority for the rule and the rule chapter number and title; [PL 2011, c. 479, §4 (NEW).]

B. The principal reason or purpose for the rule; [PL 2011, c. 479, §4 (NEW).]

C. A written statement explaining the factual and policy basis for each rule adopted pursuant to section 8052, subsection 5; [PL 2011, c. 479, §4 (NEW).]

D. If the rule adopted was routine technical or major substantive; [PL 2011, c. 479, §4 (NEW).]

E. If the rule was adopted as an emergency; and [PL 2011, c. 479, §4 (NEW).]

F. The fiscal impact of the rule. [PL 2011, c. 479, §4 (NEW).]

[PL 2011, c. 479, §4 (NEW).]

6. Authority to report out legislation. After each appropriate joint standing committee of the Legislature has received a list of rule-making activity pursuant to subsection 5, the committee may require an agency to appear before the committee, and the committee may report out legislation in the same legislative session in which the report is received to adjust rule-making authority related to the rules adopted in the previous calendar year.

[PL 2011, c. 479, §4 (NEW).]

SECTION HISTORY

PL 1985, c. 270 (NEW). PL 1985, c. 528 (AMD). PL 1985, c. 680, §§3,4 (AMD). PL 1985, c. 737, §B13 (AMD). PL 1987, c. 402, §§A60,A61 (AMD). PL 1989, c. 574, §5 (RPR). PL 2011, c. 479, §4 (AMD). PL 2019, c. 146, §6 (AMD).

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