

§9906. Rule-making functions of interstate commission -- Article 6

1. Rules. The interstate commission shall promulgate and publish rules in order to effectively and efficiently achieve the purposes of the compact.

Rulemaking must occur pursuant to the criteria set forth in this section and the bylaws and rules adopted pursuant to this section. The rulemaking must substantially conform to the principles of the federal Administrative Procedure Act, 5 United States Code, Section 551 et seq. and the federal Advisory Committee Act, 5 United States Code App. 2 Section 1 et seq., as may be amended, referred to in this subchapter as "the APA," or other administrative procedures act that 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 are binding as of the date specified in each rule or amendment.

[PL 2003, c. 500, §1 (NEW).]

2. Promulgation of rules. When adopting a rule, the interstate commission shall:

A. Publish the proposed rule stating with particularity the text of the proposed rule and the reason for the proposed rule; [PL 2003, c. 500, §1 (NEW).]

B. Allow persons to submit written data, facts, opinions and arguments, which must be added to the record and made publicly available; [PL 2003, c. 500, §1 (NEW).]

C. Provide an opportunity for an informal hearing, if petitioned by 10 or more persons; and [PL 2003, c. 500, §1 (NEW).]

D. Promulgate a final rule and its effective date, if appropriate, based on the rule-making record, including input from state or local officials and other interested parties. [PL 2003, c. 500, §1 (NEW).]

[PL 2003, c. 500, §1 (NEW).]

3. Rule review. No later than 60 days after a rule is promulgated, 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 as defined in the APA, the court shall hold the rule unlawful and set it aside.

[PL 2003, c. 500, §1 (NEW).]

4. Rule void. If a majority of the legislatures of the compacting states rejects a rule by enactment of a statute or resolution in the same manner used to adopt the compact, then the rule has no further force and effect in any compacting state.

[PL 2003, c. 500, §1 (NEW).]

5. Existing rules suspended. The existing rules governing the operation of the Interstate Compact for Juveniles superceded by this subchapter are void 12 months after the first meeting of the interstate commission.

[PL 2003, c. 500, §1 (NEW).]

6. Emergency rule. If the interstate commission determines that an emergency exists, it may promulgate an emergency rule that 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 not later than 90 days after the effective date of the emergency rule.

[PL 2003, c. 500, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 500, §1 (NEW).

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