

Types of Rulemaking

	<u>Regular</u>	<u>Interim</u>	<u>Emergency</u>
RSA Citation	RSA 541-A:3	RSA 541-A:19	RSA 541-A:18
Specific Grounds	None	(a) Conform with new codified state statute or chaptered session law (including budget)* (b) Conform with a court case (c) Conform with a federal law (d) Prevent expiration** (e) Put back in place an expired rule** <u>Restrictions</u> *Must be noticed within 180 days of effective date of statute or law **Must be proposed with no changes to the rule	(a) An imminent peril to the public health or safety requires adoption of a rule with less notice than is required under RSA 541-A:6; or (b) Substantial fiscal harm to the state or its citizens could occur if rules are not adopted with less notice than is required under RSA 541-A:6.
Effective Date	<ul style="list-style-type: none"> The day after filing the adoption or a later date established by the agency If on “extension” per RSA 541-A:14-a, adoption within 30 days of JLCAR approval, effective within 60 days of adoption 	Within 30 days of JLCAR approval	Effective upon filing with Office of Legislative Services (OLS)
Effective Length	<ul style="list-style-type: none"> 10 years; or Permanent for organizational rules, and rules of practice and procedure 	180 days from the effective date	<ul style="list-style-type: none"> 180 days Rule text reverts back to previous rule upon expiration
Subsequent Rulemaking	Not restricted	<ul style="list-style-type: none"> Regular or emergency rulemaking only Interim rulemaking prohibited 	<ul style="list-style-type: none"> Regular rulemaking only Interim and emergency rulemaking prohibited
Fiscal Impact Statement (FIS) Required	Yes	<ul style="list-style-type: none"> Yes, for grounds (a) - (c) No, for grounds (d) & (e) 	No
Public Notice Required	Yes (Rulemaking Register)	Yes (Rulemaking Register, or newspaper of daily statewide circulation)	Agency discretion for reasonable/practicable notice and hearing
Public Hearing / Comment Period Required	Yes	No	Agency discretion for reasonable/practicable notice and hearing
JLCAR Action Required	Yes	Yes	No. JLCAR may petition agency to repeal rule if grounds are not met
Subject to Extension per RSA 541-A:14-a	Yes	Yes	No
Minimum Time to JLCAR (approximate)	Approximately 3 months	<ul style="list-style-type: none"> 4 weeks prior to JLCAR meeting, for grounds (a) - (c) 2 weeks prior to JLCAR meeting, for grounds (d) & (e) 	<ul style="list-style-type: none"> Effective upon filing Agency must appear at next scheduled JLCAR meeting