

# Memo

**To:** Commission Members  
**From:** Darlene Staffeldt, State Librarian  
**Date:** June 10, 2008  
**Re:** ARM process timeline

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The purpose of this memo is to give a timeline for the ARM process. The drafting time would not be part of this timeline.

The quickest possible adoption or amendment time is as follows:

- ❖ The finalized draft (which means it is completely ready for submission to the Secretary of State's office) is presented to the commission which then votes to propose the rule adoption/amendments to the public.
- ❖ The draft is submitted to the SOS' office on the next filing date. (Filing dates usually occur twice a month.)
- ❖ The notice is published 10 days (usually) after the filing date. At that time the notice is posted to the website and e-mailed or mailed to interested parties.
- ❖ 30 days from the date of publication, the commission can vote to adopt or amend the rules as proposed.
- ❖ Amendment/adoption notices are submitted to the SOS' office on the next filing date and published 10 days from that time.

Delays or additional time can come into play by the following methods:

- ❖ First and foremost, any action requires a commission meeting, either in person or on the phone which can cause a delay on its own due to timing.
- ❖ If there are amendments by the commission before the notice is proposed or the draft was not ready for submission at that meeting, it might add an extra two weeks or more to the time.
- ❖ If written comments are received during the comment period, the commission must review and respond to each of the comments. Depending on the comment this can take several days although generally can be done in one meeting.
  - If changes are then required in response to those comments, the commission can vote to adopt with those amendments and file the notice on the next possible filing date. If changes are extensive, the next date may be 2 or 3 weeks after the meeting.
- ❖ If 25 or more written requests for a hearing are received within the first 21 days after the original notice publication, the commission must schedule a hearing. This would entail filing another public notice, exactly the same as the first with the addition of hearing information. Considering filing dates, publication dates and the 30 days required before adoptions or amendments can be done, this would add a minimum of 40 days to the process.

- ❖ The commission can choose to plan a hearing (or hearings) to begin with. Any hearing must be held at least 20 days from the date of publication. The comment period and the hearing date must both be over before the commission can take any action. They must review each comment and respond.
  - Although comments can be responded to immediately, generally a hearing adds at least a week to the process before the commission can vote to adopt or amend.
  - If more than one hearing is planned, time added depends on the format. If the hearings are held on consecutive days not much time is added. If however the hearings are separated by a week or more, each additional hearing will cost an additional week or more in time. (ARM rules do not require more than one hearing.)

If and when the revised Information Access legislation passes the Legislature, The State Library Commission will have to start an administrative rules changes process to change the interlibrary loan reimbursement program rules over to the repurposed project rules. Please also review my memo to the Fulfillment Task Force regarding administrative rules which is attached.

Commissioner Moody requested that the Commission talk about this process at the retreat in August.