



# Back to Basics: The Rules of Rulemaking

- I. The Process of Rulemaking and
- II. Judicial Review of Agency Rules

Carrie Collier-Brown, Senior Counsel

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## I. The Process of Rulemaking

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# Three Ways to Adopt a Rule

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- Formal Rulemaking
- Negotiated Rulemaking
- Emergency Rulemaking



## Formal Rulemaking Process

## 3 Phases of Formal Rulemaking

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1. Public Notice of Proposed Rule in *Texas Register*
2. Public Comment on Proposed Rule
3. Adoption of Proposed Rule

## What Must Be in the Public Notice?

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1. Brief explanation of proposed rule
2. Text of proposed rule that shows words added/deleted from current text
3. Statement of statutory authority
4. Fiscal note for first 5 years
5. Note re: public benefits and costs for first 5 years
6. Local employment impact statement, if required
7. Request for comments on the proposed rule
8. Any other statement required by law

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