



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

- Formal Rulemaking
- Negotiated Rulemaking
- Emergency Rulemaking



Formal Rulemaking Process

3 Phases of Formal Rulemaking

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?

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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