

Agenda item 2. Finalize Direct Final Rule provision for public comments

The committee reviewed the draft version of the revised Rulemaking Rule which included a new § 110, Direct Final Rule. The Compact Office was asked to convey the feedback received at the Commissioners Roundtable held on May 13. The Compact Office stated that there was a question about two safeguard procedures in the regular rulemaking process, the 10-day legislative notice to state legislatures and the 90-day period for publishing prior to the effective date of a new rule. Will these two procedures remain in place if the Direct Final Rule process is utilized? The answer is yes. There were no other comments from the committee, and it was agreed to expose the draft Direct Final Rule for public comment at a public meeting.

Agenda item 3. Discuss other ways to accelerate the rulemaking process

The committee asked if the proposal for consensus/negotiated rulemaking received any feedback at the Commissioners Roundtable meeting. The Compact Office stated there weren't any comments about the proposal, other than a comment regarding the need for more industry input in the regular rulemaking process. The Compact Office guided the committee's review of workflow timelines for three recently created standards. It was observed that the use of sub-groups and draft standards from industry speeds up the rulemaking process. Jill Kruger asked how public input can be added to the rulemaking process. The Compact Office stated that there is an advance rulemaking procedure in the Rulemaking Rule, §103 Notice of Potential Rulemaking. This begins with a notice to industry and consumers at the beginning of the rulemaking process, providing a 60-day period to provide written comment and/or proposed draft language. Many committee members commented that this procedure has great potential to gather public input and perhaps drafting assistance. The committee recommended utilizing this existing procedure to try to achieve accelerated rulemaking goals rather than amending the rule at this time.

Agenda item 4. Discuss possible changes to the Operating Procedure for Notice and Hearing

The Compact Office stated that there were no comments or questions about the proposed appeals procedure at the Commissioners Roundtable meeting. The committee confirmed its opinion that there can be no appeal until a formal and final disapproval has been issued by the Compact. Since there have been no formal and final disapprovals of Compact filings, the proposed procedure seemed unnecessary. The committee continued discussion about the potential use of advisory and interpretive opinions similar to IRS private letter rulings. The Compact Office responded that the Compact has an existing Operating Procedure for the Issuance of Advisory and Interpretive Opinions which can serve this exact purpose. Many committee members commented that using an existing procedure is the way to go rather than revising a section of an operating procedure for notice and hearing that, to date, has not been used.

Agenda item 5. Review the Operating Procedure for the Issuance of Advisory and Interpretive Opinions

The committee reviewed the text of the Operating Procedure for the Issuance of Advisory and Interpretive Opinions provided in the meeting materials. The Compact Office clarified that though the Executive Director supervises the collection of information and the drafting of the advisory opinion, ultimately an advisory opinion is submitted to the Commission members for review and a vote regarding approval.

Agenda item 6. Planning for next call

There is a regulator-only call scheduled for July 9, if needed.

There is a public call scheduled for July 30.

Agenda item 7. Any other matters

There were no other matters.