# Checklist for Chapter 9 – Adopting Rules with a Hearing

| **Date Completed** | **Item** |
| --- | --- |
|  | **9 – Entire chapter reviewed before proceeding** |
|  | **9.1 – Hearing preparations complete** - **9.1.1 – Meetings scheduled; calendar cleared - 9.1.2 – ALJ notified - 9.1.3 – Copies of rules and SONAR made (if holding in-person hearings); rules and SONAR posted on agency webpage - 9.1.4- Documents prepared to submit into the record** - Exhibits prepared and labeled according to M.R. 1400.2220, subpart 1.  - Exhibits posted on agency webpage  - Exhibits eFiled **- 9.1.5 – Summary prepared to read at hearing - 9.1.6 – Agency staff and agency AG prepared for hearing  - STAFF-HR** used **- 9.1.7 – Preliminary responses to prehearing comments prepared - 9.1.8 – Changes to rules decided; ready to announce at hearing** - If needed, Governor’s Office review and comment obtained. **- 9.1.9 – Room set up for in-person hearing - 9.1.10 – Virtual hearing considerations** - “Run through” with ALJ scheduled  - Consider requiring attendees to register  - Decide how chat feature will or will not be used |
|  | **9.2 – At the hearing - 9.2.1 – What to say and what not to say - 9.2.2 – Take notes, record meeting, use court reporter - 9.2.3 – Post exhibits on agency website - 9.2.4 – Meet with decision makers ASAP after hearing** |
|  | **9.3 – Agency responses to comments prepared** - **9.3.1 – Posthearing comment period and rebuttal period - 9.3.2 – OAH eComments site - 9.3.3 – What to include in the comment period - 9.3.4 – Agency preliminary response drafted  - HR-RSPNS** used **- 9.3.5 – Posthearing comments monitored**  **- 9.3.6 – Agency’s preliminary response finalized and signed - 9.3.7 – Rebuttal period comments monitored; final response prepared - 9.3.9 – Comments received by ALJ during posthearing comment period and rebuttal period placed on agency’s website** |
|  | **9.4 – ALJ Report received** - Disapprovals noted |
|  | **9.5 – Decide how to proceed; get agency approval -** If agency is a multi-member board, **BD-ADPT** form used **- 9.5.1 – Rules approved – proceed with adopting - 9.5.2 – Rules disapproved** - Changes made to address disapproval; **CHNG-DIS** letter used  - Choosing not to make changes to address disapproval  - Requesting reconsideration of disapproval; **CHNG-DIS** letter used  - Withdrawing rules; **NTC-WITHDRAWAL** form used  - Making changes other than those recommended; **CHNG-OTH** letter used |
|  | **9.6 – Order Adopting Rules drafted  - ORD-ADPT** and **SMPLFNDS** used |
|  | **9.7 – Governor’s Office approval obtained - GOV-FNL** used |
|  | **9.8 – Copy of adopted rules obtained from Revisor** |
|  | **9.9 – Order Adopting Rules finalized and filed** - Order Adopting Rules signed by:  - Signed order eFiled with OAH - Rules filed with Secretary of State - Notice of Adoption received from Revisor |
|  | **9.10 – Notice of Filing given -** Give notice *on the same day*that OAH files the rules with Secretary of State |
|  | **9.11 – Notice of Adoption published in the *State Register***- Published within 180 days after the ALJ Report is issued - Notice submitted after agency is certain Governor will not veto rules  - *State Register* website used |
|  | **9.12 – Official Rulemaking Record prepared - RECORD** used |
|  | **9.13 – Complete version of entire chapter of new rules obtained** |
|  | **9.14 – Agency decision makers notified of completion of process** |