

MARSS Working Group

Possible Statutory Amendments in Connection with MARSS System

Draft of 9/6/17

1. Official Rulemaking Record requirements (section 14.365)
 - a. Amend this to state that, for rules adopted after a particular date, the official rulemaking record shall be maintained by the Revisor (using the MARSS system).
 - b. In order to reduce the cost of the MARSS system, clarify item (2) so that only public information is part of the official rulemaking record. For example, one possible amendment could be:

“(2) all written petitions, and, after redaction of information not classified as public under chapter 13, all requests, submissions, or comments received by the agency or the administrative law judge after publication of the notice of intent to adopt or the notice of hearing in the State Register pertaining to the rule;”
 - c. Amend this to state that large or 3-dimensional exhibits (such as posters or demonstrative exhibits like compost, rocks, pipes or welds) are not part of the official rulemaking record as long as a photograph of each of these exhibits is retained in the official rulemaking record.
2. Docket requirements (section 14.366): Amend this to state that the Revisor shall maintain a current, public rulemaking docket (using the MARSS system) and that each agency shall provide to the Revisor the information necessary for the Revisor to maintain a rulemaking docket for that agency.
3. Notice to legislators (section 14.116):
 - a. After the Revisor begins maintaining the rulemaking docket and official rulemaking records for each agency, amend paragraph (a) to eliminate the requirement that the agency submit the docket and rulemaking records to legislators.
 - b. After the MARSS system begins giving notice to specified legislators regarding agency notice of intent to adopt rules, amend paragraph (b) to eliminate the requirement that the agency give notice to specified legislators.
4. Notice to interested parties (section 14.22) and rulemaking lists (14.14):
 - a. If at some point in the future all rulemaking notice lists were maintained by the MARSS system and notice were given by the MARSS system, then section 14.22 would need to be amended. The Revisor would be required to maintain the rulemaking lists, rather than the agencies.
 - b. If at some point in the future the MARSS system provided for electronic notices of rulemaking to interested parties, then the notice requirements would need to be amended to eliminate the option of snail mail notice. Instead, electronic notice and posting on the Revisor’s website as well as State Register publication could be the required methods of giving notice of rulemaking.