

WHEREAS, Section 5(a)(5) of the Regulatory Review Act provides that the Regulatory Analysis Form accompanying a regulation should include a copy of forms that will be required by the regulation; and

WHEREAS, the Regulatory Review Act is unclear as to whether failure to include such forms with the Regulatory Analysis Form was intended to constitute a faulty delivery of the regulation or whether it was intended to be the subject of Commission Comment on the proposed regulation; and

WHEREAS, when the Regulatory Review Act was enacted more than thirty years ago, Section 5(a)(5) did not contemplate future technological advances that now make electronic transmissions and reporting customary; and

WHEREAS, this Commission believes that the spirit of Section 5(a)(5) can be met by requiring a promulgating agency to submit with the regulatory package a paper or electronic version of the required forms, or a detailed description of the information required to be reported on the form; and

WHEREAS, this Commission desires to adopt a Policy to be applied consistently to all regulations delivered to the Commission; and

WHEREAS, this Commission believes that such a Policy should promote the broadest public input;

NOW THEREFORE, this Commission adopts the following policy to clarify that:

Failure to include copies of forms that will be required by a regulation with a Regulatory Analysis Form, in a format acceptable by the Commission as referenced above, will be deemed to be a faulty delivery of the regulation under Section 5(a)(5) of the Regulatory Review Act and shall result in the regulation being returned as incomplete to the promulgating Board, Commission, or Agency.

Adopted 12/15/16