

Best Case Scenario for Rulemaking:

(Without Public Hearings, Substantive Changes, and Oversight Committee Hearings)

For a thorough understanding of rulemaking, read the Administrative Procedure Act, as this is not a comprehensive overview of the entire process.

STEP 1. Compose an underscore/strikethrough version of the proposed rule. For amendments, use an electronic copy of certified current rules maintained on the website of Office of the State Register (OSR).

*This version must be in codified format (refer to OSR formatting in LAC Handbook).

STEP 2. Prepare a Fiscal and Economic Impact Statement (FEIS) and a Regulatory Flexibility Analysis (see R.S. 49:961 and R.S. 49:974.5)

*OSR can provide copies of completed FEIS as guides. Do note that every statement is different, as the content for each proposed Rule is unique.

STEP 3. E-mail completed FEIS, underscore/strikethrough version of proposal, and your agency contact information to Legislative Fiscal Office (LFO) (State Capitol, 18th floor, 342-7233). To find the name and e-mail address of your analyst go to: <http://lfo.louisiana.gov/staff>

STEP 4. Compose a Notice of Intent for promulgation in *Louisiana Register* [refer to R.S. 49:961(A)(2) for content] and for oversight. The Notice of Intent should contain:

*opening paragraph with:

a citation of the enabling legislation that grants your agency rule-making authority, the intended action being taken (adoption, amendment, or repeal), and the basis and rationale for this proposal

(or statement letting the public know where they can obtain a preamble).

*rule text in codified format (only sections being changed - refer to LAC Handbook)

(this portion will need to be in an underscore/strikethrough format for oversight)

*family impact statement (see the Louisiana Register for examples)

*poverty impact statement (see the Louisiana Register for examples)

*provider impact statement (see the Louisiana Register for examples)

*small business analysis (and statement if needed)

*interested parties paragraph (paragraph letting the public know how they can respond, to whom, where, and a cut-off date for inquiries)

*fiscal and economic impact summary

STEP 5. After getting approved FEIS from Legislative Fiscal Office:

Send first report to oversight. E-mail pdf copy of underscore/strikethrough Notice of Intent and copy of the signed FEIS to:

President of the Senate
Speaker of the House
House Oversight Committee
Senate Oversight Committee

This e-mail should include agency contact information and brief explanation of the proposal. E-mail address for oversight: <https://www.legis.la.gov/legis/APA.aspx>
This is the report to the oversight committees as mentioned in R.S. 49:966 (B) and (C.)

Refer to R.S. 49:966 to find the appropriate oversight committees for your office.

*bring copy prepared in STEP 4 (send MSWord copy to reg.submission@la.gov) signed insertion order, and original approved FEIS to Office of the State Register.

(Due to the current pandemic, all filing must be done through email.)

STEP 6. After receiving comments [refer to R.S. 49:961(B)(1) for additional information concerning comments and possible hearing notification], prepare a summary report for oversight committees. The summary report should contain: [R.S. 49:966(D)(1)(b)]

*agency contact information

*title of proposed rule and information where it can be found (the Louisiana Register publication issue and page number where the Notice of Intent can be viewed)

*summary of all comments, agency responses (you must respond to each comment received), and any action taken as a result

*any revisions to the proposed rule [if making substantive changes refer to R.S. 49:966(H)(2)]

*basis and rationale for the rule proposal

*date when proposed rule will be effective

E-mail the summary report and PDF of the Notice of Intent using the Legislative APA e-mail addresses: <https://www.legis.la.gov/legis/APA.aspx> (Use the term "Summary Report" in the subject line)

STEP 7. Bring photocopy of the Notice of Intent (as appeared in the *Louisiana Register*), another signed insertion order to Office of the State Register, and dated summary report submission to oversight for Rule promulgation. (Summary report submission needs to be at least 30 days prior to rule submission.)

Refer to the Rule-Making Timeline (in LAC Handbook and on OSR website) for Deadlines for Submittal of all Documentation.