NOTICE OF PUBLIC COMMENT PERIOD

- ✓ The deadline to put a Legislative rule out for public comment is 30 days prior to the deadline for filing an Agency Approved rule.
- ✓ Legislative-exempt, Procedural, and Interpretive rules are not included in this deadline date.
- ✓ The rule, supporting documents, federal statutes, other documents, and adopted by reference materials will be filed in the eRules system at this time for consideration throughout the rule-making cycle.
- ✓ The rule be submitted in Word. Other documents can be submitted in PDF.
- ✓ For Legislative rules, LRMRC or LOCEA will be notified of the filing through the eRules system.
- ✓ If it is an amendment to an existing rule, the filing will contain strike-throughs and underlines. New rules will be completely underlined. Legislative rules to be repealed will be completely struck-through.
- ✓ If an amendment to an existing rule, and the name of the rule is changing, put the new name on the request form for setting up the rule in the eRules system.
- ✓ List the full name of the rule on the request form and all attached forms. The way it is listed on the forms is the way it will appear online in the rules database.
- ✓ For amendments to existing rules, Filing Date, 1.3 in the General section and Effective Date, 1.4 in the General section will be struck through. For new rules, those sections will be blank until final filing.
- ✓ If it's a Legislative rule, remember 1.5. in the General section of the rule **must** be the sunset provision (unless exempted).
    - ▪ All sunset dates will be August 1 of the applicable year.

PROCESS FOR FILING THE RULE

1. Log in to your eRules account.
2. Go to "Your Agencies (In-Progress) Rules" and select the appropriate Request.
    a. For a new rule, select "New Title-Series".
    b. For an amendment to an existing rule, select "New Rule Version".

3. Complete the request and then click the “Send Request” tab.
4. Upon receipt of the request, AdLaw staff will set the rule up in the eRules system and send back an email notification that it is ready to work on.
5. Log back in to eRules, go to “Your Agencies (In-Progress Rules)” and click on “Edit/Upload/View”.
6. Find the correct rule and click on “Edit/Upload/View”. This will open the “Documents” page.
7. For putting a rule out for public comment, use the “Notice” field. This is where the rule must be uploaded (even if you are planning a public hearing).
8. Go to the rule that was just uploaded and click on “View”.
9. The “Actions” bar will be displayed. Click on “Attach Form”.
10. There will only be 1 form in the “Select Form Type” drop down.
11. Select the form and click on “Attach Form” to begin.
12. Fill out the form completely.
13. When completed, be sure to click the box marked “Attach Form” to add it to the rule filing.
14. After attaching the form, click on “Return to Document” to complete the filing.
15. Carefully review the rule and form.
16. Once the filing is complete and accurate, click on “Submit to Agency Head” located on “Actions” bar where forms are attached.
17. Be sure to follow up with the agency head to ensure that action is taken.
18. The agency head will log into eRules, review the filing and click on “Submit to SOS”.

PROCESS FOR FILING SUPPORTING DOCUMENTS, FEDERAL STATUTES, OTHER DOCUMENTS AND ADOPTED BY REFERENCE MATERIALS.

1. This is an additional filing to the rule ONLY if the agency has additional information to be considered during the rule-making cycle.
2. Each document type will be a separate filing.
3. All of the same steps listed above will be followed with the only difference being the field where the document is uploaded. The agency will choose the appropriate field based on the document type.

CHECKING A RULE OUT FOR CORRECTIONS

If corrections need to be made to the rule either before it is submitted or if it gets rejected by the Agency Head or the Secretary of State’s office, the rule can be checked out. This process allows the form to remain in place with no need to fill it out again.

1. Log in to eRules and find the rule.
2. Click on “Edit/Upload/View”.
3. Find the correct file on the “Documents” page and click on “View”.

4. This will display the “Actions” bar. Click on “Check Out”.
    a. Right click where indicated and use “save target as”, name it and save.
    b. The previous screen returns. Select “confirm check out”.
5. When all work is done, go back to the “Actions” bar.
6. Click on “Check In”.
    a. Click on “Browse”.
    b. Find the corrected rule and upload.
7. You can now “Submit to Agency Head”, and from agency head “Submit to SOS”.

Please contact the Administrative Law Division at (304) 558-6000 if you need any assistance or have any questions.